IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3862 OF 2021

Rajan Arvindlal Ruvala]
Indian Inhabitant, Aged 73 years]
Occupation – Chartered Accountant,]
Residing at 7, Vachha Gandhi Road,]
Gamdevi, Grant Road, Mumbai 400 007.] ... Petitioner.

V/s.

1. The State of Maharashtra]
(through the Senior Inspector of]
Gamdevi Police Station, Mumbai)]
2. Pradip Yashwant Hajirkar]
Indian Inhabitant, Aged 32 years]
Residing at Pimpalwadi Deogad,]
Ratnagiri 415 620.] ... Respondents.

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Ms. Anandini Fernandes for the Petitioner.
Ms. Deepali Thakkar for Respondent No.2.
Mr. K.V.Saste, APP for Respondent No.1-State.

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.
DATED: 10th FEBRUARY, 2022.

P.C.:-

Not on board. Taken on production board in view of urgency.

1. Heard learned counsel for the Petitioner, learned APP for the State and learned counsel appearing for the Respondent No.2.

2. The Petitioner who is a senior citizen and carrying out an occupation as a Chartered Accountant in the city of Mumbai is before this Court for seeking quashment of the First Information Report, Crime No.270 of 2021 registered at Gamdevi Police Station on 2nd September, 2021 for commission of the offences punishable under Sections 279 and 338 of the Indian Penal Code, 1860 as well

as Section 184 of the Motor Vehicle Act, 1988.

3. Perusal of copy of the First Information Report placed on record at Ex.A shows that the Respondent No.2 who is doing some labour work as painter was proceeding from Breach Candy Hospital towards Maharaja Hotel suffered dash of a four wheeler. Due to said dash the Respondent No.2 became unconscious and was admitted in Nair Hospital for medical treatment. Respondent No.2 suffered injuries to his jaw as well as to his legs and also suffered head injury. On gaining consciousness it came to the knowledge of Respondent No.2 that the said vehicle having Registration No.MH01 CD3185. It is submitted by the learned counsel appearing for the Petitioner that the Petitioner is actively carrying out his profession from last 50 years and has earned reputation in the society. It is stated in the petition that neither in the span of 50 years working as a Chartered Accountant nor prior to that any criminal antecedents are recorded against the Petitioner and it was a sheer unfortune of the Petitioner that on 2nd September 2021 while driving the vehicle he suffered transient attack resulting in losing control of the vehicle being driven by the Petitioner at the relevant time. Copy of the medical certificate issued by Dr. Shah attached to Saifee hospital is also placed on record at Ex.B. It is then submitted before this court that even the Petitioner had lost consciousness for some time and after regaining consciousness he himself visited the hospital wherein Respondent No.2 was admitted and had shown his willingness to bear the expenses of treatment of Respondent No.2 on humanitarian grounds. It is submitted that the Petitioner thought it fit to bear the expenses on account of the lost of the salary of Respondent No.2 due to accident and so as to make good of the financial losses. The Petitioner deposited an amount of Rs.90,000/- in the account of Respondent No.2. The copy of the receipt of

depositing the amount in the account of Respondent No.2 at the Gamdevi Branch of Bank of Baroda is submitted to this court. The same is taken on record and marked “X” for identification.

4. The Respondent No.2 who is present before this court by virtual mode was put to an query as to whether on his own will and accord he is an agreement for prayer of quashing of the report lodged against the Petitioner. The Respondent No.2 replied in the affidavit. Needless to state that the affidavit of Respondent No.2 dated 18th November, 2021 is also placed on record.

5. Considering all these facts, we are of the opinion that the learned counsel for the Petitioner made out the case for allowing the Petition. Accordingly, we allowed the petition in terms of prayer clause (a).

(ANIL S. KILOR, J.) **(PRASANNA B. VARALE, J.)**