

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO. 572 OF 2022

Shri Pratik s/o Vishwas Karmore,
Aged about 33 years, Occ-Service,
R/o 137-B, Yegeshwar Nagar, Dighori,
Nagpur-440034.

...APPLICANT

---VERSUS---

1. The State of Maharashtra,
through the Police Station Officer, Police
Station, Nagbhid, District Chandrapur.
 2. Shri Chandrashekhar s/o Waman Gedam,
Aged about 38 years, Occ: Service,
Adyawale Layout, Umrer, District Nagpur
- NON-APPLICANTS**

Shri P.R. Puri, Advocate for the applicant.

Shri M.K. Pathan, Additional Public Prosecutor for Non-applicants/State.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 26th APRIL, 2022.

JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.
2. **Rule.** Rule made returnable forthwith.
3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging the registration of First Information Report (FIR) No.59/2022 dated 28.02.2022

against the applicant for the offence under Sections 279, 337, 338 of the Indian Penal Code and under Section 184 of the Motor Vehicles Act.

4. The FIR came to be registered against the applicant with the accusations that while the applicant was returning from marriage ceremony on 27.02.2022, the said car met with an accident resulting in injuries to the non-applicant no.2.

5. During the pendency of the investigation, the applicant and non-applicant no.2 have mutually resolved their dispute. The applicant has therefore challenged registration of FIR on the ground that applicant and non-applicant no.2 have amicable resolved their dispute. The non-applicant no.2 has filed his affidavit stating that he does not want to proceed against the applicant.

6. On perusal of the FIR and reply filed by the non-applicant no.2, we are satisfied that even if continuation of prosecution against the applicant would result in abuse of process of law. Since chances of conviction is weak, the time saved in such proceedings can be utilized for other genuine proceedings. Therefore, we pass the following order:

(i) The application is allowed.

(ii) Rule is made absolute in terms of prayer clause (I),
which reads as under:

“(I) Quash and set aside the F.I.R. dated 28-02-2022 registered by the Police authorities Nagbhid, District Chandrapur, vide FIR no.0059/2022 for the offence punishable under Sections 279, 337, 338 of the Indian Penal Code and Section 184 of the Motor Vehicles Act, 1988, (ANN-I) in the interest of justice;”

JUDGE

JUDGE

Wagh