

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

CRIMINAL APPLICATION (APL) NO. 905 OF 2023

Sanjay Dnyaneshwar Samudre

Vs.

State of Maharashtra, Thru. PSO, PS Sakkardara, Dist. Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.M. Vishwarupe, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant/State.
Ms. Kirti Deshpande, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.**

DATE : 26.07.2023.

Heard.

2. This is an application seeking to quash FIR in Crime No.286/2023 registered with Police Station Sakkardara, Nagpur for the offence punishable under Sections 279, 427 of the Indian Penal Code and Sections 134 and 177 of the Motor Vehicles Act, on account of settlement.

3. It is prosecution case that at the relevant time, the informant was proceeding by a four wheeler. The applicant is an auto-rickshaw driver,

who came in rash and negligent manner and gave dash to the four wheeler, and therefore, the report. The quashing is sought on account of amicable settlement in between the parties.

4. The informant i.e. car owner has appeared before us, filed affidavit and gave no objection to quash the FIR, as applicant has tendered unconditional apology. We found that in concerned accident two persons were travelling by auto-rickshaw, who sustained minor injuries. It is informed that those passengers were father-in-law and wife of the applicant (accused). Both of them have also filed an affidavit in the proceeding stating that they have no objection to quash the proceeding. The learned APP on verification of record has submitted that these two persons were only travelling by auto-rickshaw at relevant time.

5. The offence relates to accidental dash between two vehicles. The parties have settled the dispute out of the Court. Having regard to the nature of offence, it cannot be said to anti social or heinous.

6. There is no purpose in continuing the criminal prosecution as matter is settled.

7. In view of above, application is allowed. We hereby quash and set aside the FIR in Crime No.286/2023 registered with Police Station Sakardara, Nagpur for the offence punishable under Sections 279, 427 of the Indian Penal Code and Sections 134 and 177 of the Motor Vehicles Act.

JUDGE

JUDGE