



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

CRIMINAL APPLICATION NO.1614 OF 2023

Ashgar Ali Ansari, Aged 42 years, Occu :
Private, R/o Plot No. 29, Near Ayyappa
Mandir Samaj Bhushan Society Ayyappa
Nagar, Katol Road, Nagpur.

... APPLICANT

VERSUS

1. State of Maharashtra, through
Police Station Officer, Police Station,
Gittikhadan Nagpur (City)..
2. Waris Khan s/o Rahman Khan, Aged
57 years, Occu : Private, R/o Plot
No.39, Near Maghbool Masjid,
Mankapur, Nagpur.

... NON-APPLICANTS.

Shri F.F. Sheikh, Advocate for the applicant.
Shri Doifode, Addl.PP. for the State
Shri Aniket N. Rangari, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 20.12.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

On oral request, the applicant is permitted to amend the

prayer clause suitably.

2. Amendment be carried out forthwith.

3. Heard. **ADMIT.**

4. The matter is taken up for final disposal by consent of the learned Counsel appearing for the parties.

5. This is an application seeking to quash the Charge-sheet bearing S.C.C. No.313616 of 2013 arising out of First Information Report in Crime No.3233 of 2013 registered with the Gittikhadan Police Station, District Nagpur for the offence punishable under Sections 279 of 427 of the Indian Penal Code, on account of settlement.

6. It is the informant's case that at the relevant time, he was driven a school bus. The applicant came from front side by driving his santro car in high speed. The applicant loses control over the car, gave forceful dash and caused damage to the Bus driven by the informant. Since the informant also made to stop his vehicle, at that time one car coming from the backside also gave dash to the Bus from back side. Since due to rash and negligent driving of the applicant, the incident occurred therefore, the informant has lodged the report. The Police

have completed the investigation and filed the charge-sheet. It is informed that yet charges have not been framed.

7. In the meantime, with the aid and intervention of elderly member, the matter has been amicably settled. The informant has filed a reply-cum-affidavit stating that the matter is settled and he do not wish to go on with the prosecution. The informant is present before the Court, who is identified by his Advocate Shri Aniket Rangari. The informant stated that he has not expressed to the Police about any grievance. Essentially, it is a matter arising out of road accident meaning thereby there is total absence of *mens rea*. The offence cannot be termed as antisocial or heinous.

8. Having regard to the nature of accusation, we deem it appropriate to invoke our inherent jurisdiction. In view of that, the application is allowed. We hereby quash and set aside the Charge-sheet bearing S.C.C. No.313616 of 2013 arising out of First Information Report in Crime No.3233 of 2013 registered with the Gittikhadan Police Station, District Nagpur for the offence punishable under Sections 279 of 427 of the Indian Penal Code, pending on the file of the Judicial Magistrate First Class, Nagpur.

9. It is hereby made clear that quashing of this crime has no impact on the rights of the another car owner/driver, was also involved in the accident.

10. The Application stands disposed of in above terms.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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