

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

CRIMINAL APPLICATION (APL) NO. 1649 OF 2022

APPLICANT : Kailash s/o Gulabrao Hatkar,
Aged about 36 years,
Occupation - Service,
R/o Flat No.306, Saptashruni Residency,
D. P. Road, Raigad Colony,
Khamgaon, Tah. Khamgaon,
District - Buldhana.

V E R S U S

RESPONDENTS :

1. State of Maharashtra
Through Police Station Officer,
Police Station, Khamgaon City,
Khamgaon, Tah. Khamgaon,
District - Buldhana.
2. Ramkisan s/o Bankatlal Purohit,
Aged about 55 years,
Occupation - Business,
R/o. Old Monda, Nanded,
District - Nanded.

Shri A. M. Tirukh, Advocate for applicant.
Mrs. Mayuri Deshmukh, Additional Public Prosecutor for respondent No.1.
Shri A. P. Bhuibhar, Advocate for respondent No.2.

CORAM:- VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATED : 27/02/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. This is an application seeking to quash FIR in Crime No.0569/2022 registered with Khamgaon Police Station, Dist. Buldhana for the offences punishable under Sections 279 and 427 of the Indian Penal Code.

3. The informant owns a vehicle namely; Innova Crysta, which he was using in the intervening night of 18/11/2022 and 19/11/2022 while the informant was proceeding towards Shegaon, abruptly he applied the brake due to intervention of some cattle on which the police vehicle, which was following, collided on the informant's Innova Crysta Vehicle. Both vehicles sustained damage and therefore, the report.

4. The applicant would submit that it was purely an accident and rather the informant was at fault and therefore, accident occurred. The informant is present who would submit that the accident being happened at night hours and therefore, he did not realize the exact things while lodging the FIR. On the following day, he came to an incidence that there was no absolutely fault of the applicant and due to skidding of both vehicles, they collided with each other. Having realized so, the informant has settled the matter and filed an affidavit stating that he does not want to prosecute the criminal case. The informant is present in Court, who is identified by Advocate Shri Bhuibhar and

gave his no objection to quash FIR. The incident is about to road accident. It cannot be stated that it is heinous an offence or any social impact. The parties have settled and informant does not want to prosecute the case.

5. In the circumstances, no purpose would be served in directing the police to investigate and the parties to go on the trial. In view of that, application is allowed. We hereby quash and set aside FIR in Crime No.0569/2022 registered with Khamgaon Police Station, Dist. Buldhana for the offences punishable under Sections 279 and 427 of the Indian Penal Code.

6. The application stands disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

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