



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

CRIMINAL APPLICATION (APL) NO. 39 OF 2024

Fazle Qadir Chimthanawala S/o
Abdealibhai Chimthanawala,
Aged about 22 years,
Occupation – Student, Resident of Abde
Razzak Manzil, Quaemi Baugh, Near
Itwari Railway Station, Nagpur.
Maharashtra 440 002.

}

... Applicant

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Wathoda City,
District Nagpur.

}

2. Rajendra Gopalrao Hadke,
Aged about 52 years,
Resident of Flat No.31B,
Shivnagar Pothane, Kotwali,
Nagpur.

... Non-applicants

Mr. A.A. Naik, Advocate for applicant.

Mrs. S.V. Kolhe, APP for non-applicant No.1.

Mr. H.A. Deshpande, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.**

DATE : 09.01.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Advocate Mr. Deshpande, learned counsel appearing
suo motu for non-applicant No.2 by waiving notice.

(2) Heard.

(3) **Admit.**

(4) This is an application seeking to quash FIR in Crime No.674/2023 registered with Police Station Wathoda, Nagpur City, for the offences punishable under Sections 279 and 338 of the Indian Penal Code, 1860, on account of settlement.

(5) Road accident led to the registration of crime. At relevant time, applicant while taking his Skoda Car in reverse direction, gave dash to the two wheeler of the informant causing him to fall and sustain fracture injury. The applicant himself took injured/informant to the hospital and gave preliminary treatment.

(6) The parties have amicably settled the dispute out of Court. The informant has filed an affidavit stating that he has no objection to quash this report rather the informant stated that it was a case of accident occurred out of contributory negligence. The informant has acknowledged the applicants immediate reaction of providing medical aid. Moreover, considering the applicants career in law college, he has settled the dispute. The informant is present before us who is identified by his counsel. On our query, the informant

stated that since it was an unintentional occurrence and the applicant has borne medical expenses to some extent, he does not wish to prosecute the case.

(7) The occurrence is an outcome of road accident, it cannot be turned as heinous or anti social. The parties have amicably settled the dispute. In the circumstances, we find it appropriate to invoke our inherent powers. Since the police machinery was rotated, the applicant expressed his desire to deposit costs of Rs.20,000/-.

(8) In view of above, the application is allowed. We hereby quash and set aside the FIR in Crime No.674/2023 registered with Police Station Wathoda, Nagpur City, for the offences punishable under Sections 279 and 338 of the Indian Penal Code, 1860.

(9) The applicant shall deposit costs of Rs.20,000/- with High Court Bar Library, Nagpur, within one week from today.

(10) The matter be placed on **17.01.2024** for noting compliance.

[MRS. VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity