



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

CRIMINAL APPLICATION (APL) NO.1020 OF 2024

	Shubham Sitaram Shirnath, Aged about 24 years, Occupation Education, R/o Bhoipura,Patur, Tah.Patur, District,Akola.	Applicant
	-Versus-	
1.	State of Maharashtra, through Police Station Officer, Police Station Karanja Gramin, District Washim.	Non-applicants.
2.	Satish Mahadeo Punekar, Aged about 45 years, Occupation Labour. R/o Palana,Tah. Karanja District Washim.	

Mr.A.M.Tirukh, Adv. for the applicants..
Mr.Anup Badar, APP for the non-applicants.
Mr.M.V.Mule, Adv. For non-applicant No.2.

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

DATE : 13th AUGUST, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

- 1) Heard Admit. The application is heard finally with the consent of the learned counsel for the parties.
- 2) This is an application seeking to quash the First Information Report vide Crime No. 212 of 2024, for the offences punishable under Section 279,337 of the Indian Penal Code registered with Police Station Karanja Gramin, district Washim on account of

mutual settlement.

- 3) The informant's son was proceeding by riding of his two wheeler. At the relevant time, the applicant came from behind by four wheeler. The applicant was driving his vehicle in high speed and he gave dash to the informant's son from behind causing injuries to the informant's son and also damaged the two wheeler owned by the informant. On the basis of said occurrence, the report has been lodged, on which the police have registered the crime.
- 4) Both parties are residing in the same vicinity. The act was not intentional therefore, with the intervention of villagers they have settled the dispute. The applicant has reimbursed the informant for the damages caused to his vehicle. In view of that, the matter has been settled and the informant has no grievance against the applicant. The informant has appeared through his Advocate and filed the reply stating about settlement and no objection to quash the proceedings. The informant has also filed the additional affidavit stating that his injured son has also no objection to quash the proceedings. He has submitted that his son is unable to attend the Court. Therefore, on his instructions he has filed the affidavit.

- 5) Taking over all view of the matter, it is a case of road accident having the element of negligence, but there is no question intentional act. By the time, the applicant has sufficiently compensated the informant, hence the latter has no grievance. In the circumstances, continuation of the prosecution amounts to abuse of the process of the court. The applicant has also expressed his willingness to deposit sum of Rs.10,000/- towards the costs as the police machinery was rotated.
- 6) In view of above, the application is allowed. We, hereby quash and set aside the First Information Report vide Crime No. 212 of 2024 for the offences punishable under Section 279,337 of the Indian Penal Code registered with Police Station Karanja Gramin, district Washim.
- 7) The applicant shall deposit a sum of Rs.10,000/- towards the costs to the High Court Bar Association, Nagpur within a week.
- 8) Stand over to 23.08.2024 for noting the compliance.

(VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)