



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

7 CRIMINAL APPLICATION NO. 2470 OF 2025

Babasaheb Raybhan Adhane,
Age: 37 years Occ: Private Service,
R/o: Pisadevi, Tal and Dist- Aurangabad.

... Applicant

Versus

1. The State of Maharashtra
Through the Investigating Officer
M.I.D.C Cidco Police Station,
Tal and Dist-Chh. Sambhajinagar.

2. Prakash Sahebrao Nade,
Age: 50 yrs, Occu- Private Service,
R/o: In front of Jayashri Kalni Dange School,
Mukundwadi,
Tal and Dist- Chh. Sambhajinagar.

... Respondents

...
Mr. Yogesh Rajendra Neb, Advocate for Applicant.
Mr. N. R. Dayama, APP for Respondent / State.

CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 21st July, 2025.

Per Court:

. Present application has been filed for quashing of the FIR
vide C.R. No.145 of 2025, dated 28th February, 2025, registered with
M.I.D.C. CIDCO Police Station, District Chhatrapati Sambhajinagar, for
the offence punishable under Sections 281 and 125(a) of the Bhartiya

Nyaya Sanhita, 2023 (BNS).

2 Heard the learned counsel for the applicant and the learned APP for the respondent No.1 / State.

3 It is not even necessary to issue notice to respondent No.2.

4 The learned counsel for the applicant has taken us through the contents of the FIR and submits that the alleged incident is stated to have taken place on 1st February, 2025, whereas the FIR has been lodged on 28th February, 2025 and therefore, there is a huge delay, which has not been explained by the informant. The informant acts as a security guard with the showroom of BMW cars and he states that around 11:30 am to 12:00 noon, a car had come for servicing. The workshop technician took out the car from the workshop and brought towards the informant. He parked the car in such a way that one of the wheels ran over the right foot / leg of the informant. When he shouted, the driver took the car in reverse. At that time he found that the technician was the present applicant and the company advisor Mr. Satyajit Verma was sitting next to him in the car. The car was bearing registration No.MH-20-WQ-9999. As a result of the said accident, he suffered injury to his right foot / leg. The manager then asked the informant to go to the hospital. The informant

was taken to E.S.I.S. Hospital and after getting some treatment he went home. However, still he was not feeling recovered. He was admitted by the present applicant as well as the company HR manager to Hedgewar Hospital. After getting treatment from the said hospital, he went to lodge the report.

5 The learned counsel for the applicant submits that there was no question of rash or negligence on the part of the present applicant and necessary ingredients of the said offence are not stated in the FIR itself. He has relied on the medical papers from the E.S.I.S. Hospital, which do not show anything serious, but it is only stated blunt trauma. Then the x-ray was also not showing any bony abnormality. The applicant himself had admitted him to Hedgewar Hospital and the medical expenses of the informant / injured have been borne by the applicant and therefore, this is the fit case where the Court should exercise its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS).

6 The learned APP strongly opposes the application and submits that the investigation is pending and the applicant appears to have approached the Court prematurely.

7 The first and the foremost fact to be noted is that we had heard the matter for a while on 16th July 2025, and when it was found

that the learned counsel for the applicant was relying on the case papers of E.S.I.S. Hospital, Aurangabad and submitted that those documents have been received by the applicant by making an application to the said hospital, this Court had directed the learned counsel for the applicant to get a copy of the application, which was given to the said hospital. Accordingly, the photocopy of an application has been produced on record. It is taken on record by marking as "Exhibit-X". There is no date to the said application, nor the date is there below the signature of the learned advocate. However, it bears the acknowledgment of the inward-outward clerk of the said hospital and below his signature there is a date of 7th May, 2025. Perusal of the said application does not show that it was under the Right to Information Act and there is no documentary evidence, as it has been confirmed by the learned counsel for the applicant that the applicant has not paid any charges for the copies of the injury certificate or document in respect of the injury to the informant. The inward-outward number has not been stated. Though we have a reservation, still one of the possibilities that this application might have been prepared after our order dated 16th July, 2025, cannot be ruled out, taking into consideration the above observation.

8 Another aspect to be noted is that when a person takes medical treatment in a hospital, then the hospital authority cannot give

the document of treatment to a third-party under the Right to Information Act. If this is allowed, then it would lead to a chaos and the disclosure of the injury, which is in fact personal to the injured and without his consent cannot be disclosed, will not be absorbed. Of-course, this is our *prima-facie* opinion and it is applicable to even the Government hospitals. Though the applicant states that he bore the medical expenses of the informant for Dr. Hedgewar Hospital, when it is MLC case, the hospital authority without there being any clarification as to what is the relationship between the patient and the person, who is demanding the copies of the papers, will not be justified in issuing those copies.

9 At this stage, the investigation is still pending. Only on the basis of the FIR, the applicant prays that the offence should be quashed and set aside as against him. According to the applicant, the delay has not been explained. However, we find that there are some references regarding the delay. The informant states that though the incident had taken place on 1st February, 2025, he got the treatment from E.S.I.S. Hospital and on the same day went home, yet he states that on 5th February, 2025, even the applicant as well as the HR manager of the company had then admitted him to the hospital and the applicant admits that he had admitted the informant to the hospital. Whether E.S.I.S. Hospital had treated the case as MLC or not, will

have to be then gone into by the investigating officer, but certainly Dr.Hedgewar Hospital had considered it as a MLC case. We can consider that the said hospital would have informed the said fact about the admission of the informant in the hospital to the police. It is then for the police to explain as to why they had not gone to the hospital and recorded the statement of the informant. It is on the paper that he was treated on OPD basis, but the indoor continuation sheet shows that he was admitted and was discharged on 6th February, 2025 around 04:41 pm. Therefore, delay cannot be the ground as it is liable to be explained, a reason for quashing and setting aside the FIR.

10 As per the FIR, the company advisor Mr. Satyajit Verma was inside the car when it ran over the right foot / leg of the informant. His statement would be important. The other aspects regarding the availability of the width of the road, where the informant was sitting and what was approximately the speed of the car, are the important points to be considered for negligence in driving and therefore, when the investigation is still pending on the vital point, this is not a stage where we should interfere.

11 The application stands rejected at the threshold.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]