



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

CRIMINAL APPLICATION (APL) NO. 1095/2025

Shri A. Bhagya Prakash S/o. Ramchandra,
Aged about 40 yrs., Occ. Business,
R/o. House No.5-4-135, APHB Colony,
Zahirabad, Telangana-502220.

...APPLICANT

VERSUS

1. The State of Maharashtra,
through Police station Officer,
Police Station Sitabuldi, Nagpur.
2. Shri Rupesh S/o. Narayan Bansod,
Age 50 yrs., Occ. Private,
R/o. C/o. Lilhare, Paradi near Tirupati
Kirana Stores, Durga Nagar, Nagpur.
3. Smt. Sunita w/o. Rupesh Bansod,
Age 45, Occ. Private, R/o.c/O. Shri
Lilhare, Paradi near Tirupati Kirana Stores,
Durga Nagar, Nagpur.

NON-APPLICANTS

Mr. B.H. Tekam, Advocate for applicant.
Mr. K. Lule, APP for non-applicant No.1/State.
Mr. N.S. Padia, Advocate for non-applicant Nos. 2 and 3.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATE : 26.08.2025

ORAL JUDGMENT : (PER: M. M. NERLIKAR, J.)

Heard.

2. Non-applicant Nos. 2 and 3 have tendered an affidavit dated 26.08.2025, the same is taken on record.

3. Issue Rule, returnable forthwith. Mr. K. Lule, learned A.P.P. waives service for non-applicant No.1/State. Mr. N.S. Padia, learned counsel waives service for non-applicant Nos. 2 and 3. With consent of learned counsel for the parties, the application is taken up for final hearing.

4. This application is filed for quashing and setting aside the entire proceedings of S.C.C. No.6169/2025 titled as State of Maharashtra Vs. A Bhagya Prakash S/o. Ramchandra” arising from First Information Report (“FIR”) No. 1019/2024 registered with Police Station Sitabuldi, Nagpur for the offence punishable under Sections 281, 125 of the Bharatiya Nyaya Sanhita 2023 (“BNS”) and Section 184 of the Maharashtra Motor Vehicles Act, 1989, on account of settlement arrived between the parties.

5. The affidavit on behalf of non-applicant Nos. 2 and 3 indicates that the matter has been settled between the parties. In paragraph No. 3, it is stated that non-applicant Nos. 2 and 3 have already settled their dispute out of the Court and in view of full and final settlement, they have already received the total amount of Rs. 50,000/- and they do not want to proceed with the Trial and intend to withdraw the criminal proceedings against the present applicant.

6. The learned counsel for the applicants submits that the provisions under Section 281 and 125 of the BNS are non-compoundable, and so also Section 184 of the Maharashtra Motor Vehicles Act, 1989.

7. The parties are present before us. We have interacted with them. They have consented to quash the proceedings.

8. Considering the fact that the parties have arrived at settlement, we deem it appropriate to exercise our powers under Section 528 of the BNSS in order to prevent the abuse of

the process of law. Hence, we allow the application in terms of prayer clause (a) which reads as under:-

“(a)quash and set aside the impugned entire proceedings of S.C.C. No.6169/2025 titled as “State of Maharashtra Vs. A. Bhagya Prakash S/o. Ramchandar which has been arisen due to impugned First Information Report bearing No.1019/2024 dated 15.10.2024 for the alleged offences punishable under Sections 281, 125 of the Bharatiya Nyaya Sanhita 2023 and Section 184 of the Maharashtra Motor Vehicles Act, 1989 Namely A. Bhagya Prakash s/o. Ram-chandra, in the interest of justice.”

9. Rule is made absolute in above terms.

(M. M. NERLIKAR , J.)

(ANIL L. PANSARE, J.)

Gohane