



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

CRIMINAL APPLICATION (APL) NO. 1682 OF 2025

(Shri Sheshrao Maroti Kate

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station,
Yavatmal (Rural), District Yavatmal & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.P. Kariya, Advocate for the Applicant.

Ms. Swati V. Kolhe, APP for the Non-applicant No.1/State.

CORAM: URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

DATED : 13th NOVEMBER, 2025

1. Heard.

2. **ADMIT.**

3. The present Application is preferred by the Applicant for quashing of the First Information Report in connection with Crime No.241/2023 registered with Police Station Yavatmal Rural for the offence punishable under Sections 279 and 304-A of the Indian Penal Code.

4. We have heard the learned Counsel for the Applicant at length, who submitted that the vehicle in question by which the accident is caused resulting in death has crossed the Toll Plaza after about 15 minutes, which can

be seen from the documentary evidence. We are afraid to accept the contention as this would be the matter of evidence. Since *prima facie* case is made out against the present Applicant, at this stage we would refrain ourselves from exercising the inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. We find support in the case of *The State of Madhya Pradesh Vs. Laxmi Narayan, (2019) 1 Crimes 231*, wherein the Hon'ble Apex Court has held that to exercise the powers under Section 482 of the Code of Criminal Procedure, cannot be exercised to stifle a legitimate prosecution. In that view of the matter, the Application is **rejected**.

6. Pending application/s, if any, shall stand disposed of accordingly.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)