

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1080 OF 2026

Khan Ubaid Khan Nader

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Vrushabh M. Patil h/f Mr. Jadhav Satej S.

APP for Respondent/State : Mr. S.D. Ghayal

Advocate for Respondent No.2 : Mr. M.D. Gitte

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 26, 2026

PER COURT :-

1. The applicants seeks quashment of FIR bearing Crime No.21 of 2026 registered with City Chowk Police Station, Aurangabad for offence punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023.

2. The investigation was set in motion on the basis of information given by respondent no.2 alleging that he owns motorcycle bearing Registration No. MH-20-FM-0112. On 14.01.2026, he had been to Phulambri on his motorcycle and in return journey, he parked his vehicle near Green Hotel and went to have tea. At about 05.00 p.m., he noticed that his vehicle is missing. It appears that vehicle in question is recovered from applicant and, therefore, he is arraigned as an accused.

3. Today, learned advocates appearing for applicant and respondent no.2 filed a joint pursis stating that incident took place

due to misconception of facts. The applicant is a student and respondent no.2 has no objection for quashing FIR and proceeding. In this backdrop, reference can be given to observations of Hon'ble Supreme Court in case of ***Narinder Singh and Others Vs. State of Punjab and another*** reported in ***(2014) 6 SCC 466***, which reads thus :

*“31. Where criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships or family disputes should be quashed when the parties have resolved their entire disputes among themselves. The possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”*

4. Looking to nature of controversy, it appears that applicant and respondent no.2 have genuinely arrived at compromise and FIR was filed under misconception of facts. The allegations are personal in nature and does not affect society at large. The respondent no.2 did not wish to proceed with prosecution. In that view of matter, there is no reason to continue investigation and prosecution in matter. The case is made out to exercise inherent powers.

5. In result, application is allowed in terms of prayer clause (B).

**(S.G. CHAPALGAONKAR, J.)**