HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1568 OF 2026

Saurabh Dattatraya Parab And Anr. .. Applicants

Versus

The State of Maharashtra and Anr. .. Respondents

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- Mr. R. L. Majgaonkar, Advocate for Applicants.
- Ms. Gauri S. Rao, APP for Respondent No.1.
- PSI – Archana Anbule, Shivaji Park Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 09, 2026

P.C.:

1. Heard Mr. Majgaonkar, learned Advocate for Applicant and Ms. Rao, learned APP for Respondent.

2. The dispute in the present case has arisen out of an innocuous incident whereby the Applicants had photographed the vehicle of the Complainant during parking and the Complainant began questioning the Applicants which led to a verbal altercation and filing of the Complaint. The supplementary statement of the complainant dated26.04.2025 has been recorded by the prosecution wherein she clearly states that the Complainant has no desire of prosecuting the Complaint further.

3. Considering the dispute in the present case which related to parking of the vehicle and a photograph having been taken which led

to the altercation, I am inclined to consider the case of the Applicants for quashing of the present Complaint.

4. Section 482 of the Criminal Procedure Code, 1973 conferred inherent powers on High Courts to pass such orders as are justified to give effect to any order in the Court, prevent abuse of process of any Court or secure the ends of justice. In the BNSS this provision stands incorporated with Section 528 which substantially reproduces the language and intent of Section 482 of the CRPC, 1973 High Courts invoke this provision to step in where cases have been instituted with *malafide* motives or to harass the accused person thereby avoiding procedural harassment. It empowers Court to dismiss FIRs or criminal proceedings if there is no *prima facie* case or evidence against the accused person/s or if orders are made in violation of the principles of natural justice. The exercise of such powers under Section 482 of CRPC and now Section 528 of BNSS remains discretionary and varies from case to case.

5. In ***State of Harayana vs Bhajan Lal***[1] the Supreme Court laid down model categories and guidelines in paragraph No. 102 of the said judgment in which the FIRs can be quashed. The Supreme Court has further asserted that power under Section 482 is an acknowledgment of "powers inherent" and not the source of powers additional. It has held that even non compoundable offences can be

1 1992 AIR 604

quashed where necessary. It has held that High Courts have to decide whether the prosecution of an offence would further or be against the interest of justice. It is also held that grievous offences such as murder, rape, and dacoity cannot ordinarily be quashed even after settlement because they involve societal implication.

6. In the above context, when the offence is not heinous or does not impact the society at large, the Court can consider the request for quashing.

7. In view of the above, the Application stands allowed in terms of prayer clause 'a' which reads thus:-

> "*(a) that this Hon'ble Court may be pleased to quash and set aside the FIR bearing C.R.No.123 of 2025 registered by the Respondent No.1*"

8. Criminal Application is allowed and disposed in the above terms.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT
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