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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4644 OF 2026

Akhil Suresh .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

.....

- Agastya Desai, Advocate for Petitioner
- Rushan Balsara, Advocate for Respondent No. 2

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 1, 2026

P. C.:

1. Heard learned Advocates appearing for the parties.

2. Present Petition is filed seeking quashing and setting aside of the FIR and the consequential proceedings, if any, arising therefrom.

3. The incident in question had arisen out of a sudden road traffic collision between the vehicles of the parties before the Court. It led to an altercation and the subsequent assault. The incident was undoubtedly not premeditated and happened at the spur of the moment because of the accident in question.

4. Parties have reconciled the dispute and have approached the Court to quash the criminal proceeding by consent so that both the parties can lead their life without the stigma of the criminal proceeding looming on their heads.

5. The Consent Affidavit dated 01.10.2026 filed by Respondent No. 2 - Complainant is placed on record. Parties are present in Court. I have interacted with them. In view thereof, I am inclined to allow the present Petition.

6. 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.

7. 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

1 1992 AIR 604

has furthered 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 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.

8. Petition is allowed in terms of prayer clause (a) and (b) which read thus:-

> *"a) This Hon'ble Court may be pleased to exercise its inherent powers u/s. 528 of the B.N.S.S. and be pleased to quash impugned F.I.R. bearing No. 0533 of 2026 dated 21.04.2026 lodged with Ghatkopar Police Station;*
>
> *b) This Hon'ble Court may be pleased to quash any/all proceedings arising out of F.I.R. No. 0533 of 2026 dated 21.04.2026 lodged with Ghatkopar Police Station."*

9. Petition is allowed and disposed.

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR
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Date: 2026.10.01 19:55:40 +0530