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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5238 OF 2026

Sachin Parshuram Mane .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

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- Ms. Pooja Anil Khandekar, Advocate for Petitioner
- Mr. Yogesh M. Nakhwa, APP for State
- Ms. Aisha Shaikh, Advocate for Respondent No. 2
- PSI - Balu Chopde, Bibewadi Police Station, Pune
- Respondent No. 2 - Complainant present

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 8, 2026

P. C.:

1. Heard Ms. Khandekar, learned Advocate for Petitioner; Mr. Nakhwa, learned APP for State and Ms. Shaikh, learned Advocate for Respondent No. 2.

2. Present Writ Petition is filed for seeking quashing of the criminal proceedings arising out of C.R. No. 104 of 2025 registered with Bibwewadi Police Station, Pune for the offences punishable under Section 109 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and provisions of the Arms Act.

3. The incident in question took place on 04.05.2025 in view of an altercation between the parties, whereby Respondent No. 2 - Complainant's brother assaulted the Petitioner's aged maternal uncle

over the manner of driving a two-wheeler through a narrow lane in the Bibwewadi area of Pune. This precursor incident triggered the incident in question which occurred late in the intervening night between 4th May and 5th May 2025 whereby the Applicant assaulted the Complainant with a *Koyta* which has been recovered.

4. Both the Applicant and the Complainant are young offenders in terms of their respective ages. They are known to each other rather they are friends with each other. It is *prima facie* seen that families of both the parties stepped in thereafter to reconcile the dispute. Offence was lodged in view of injury suffered by the Complainant which when seen from the medical report is simple in nature.

5. Ms. Khandekar has persuaded me to consider the fact that provocation of the precursor incident in view of the two-wheeler having been driven in a very narrow space which could have led to an accident was the reason and the altercation which happened thereafter escalated into the incident in question in view of slapping of the elder person which was the reason for the incident in question. She would submit that the incident occurred in a fit of rage and was not premeditated and happened at the spur of the moment and the enragement was in view of an elderly person having been slapped.

6. I have considered the submissions and the record which is placed before me. The injury certificate records a lacerated wound on the forearm for which the Complainant was treated and discharged on the same day from the hospital. Applicant - accused person is incarcerated in prison for the past 17 months. His bail application is pending before this Court itself but due to the constraints faced by this Court, the same has not been listed which is informed to the Court. Fortunately, the present Petition filed for consent quashing and it has got listed on the appointed day as per auto listing the parties are before the Court. The elder family members of both the sides are present in Court. Complainant is also present in Court. I have interacted with them with the able assistance of the learned Advocates at the Bar.

7. The reason rather the precursor incident in question is something which public staying and living in congested cities face on a day-to-day basis. Considering the stress which is involved in the life of the public at large, when such an incident of road rage occurs, tempers fly high resulting in verbal altercation leading to escalation of the same into a scuffle and sometimes leading to incidents like the present case before the Court.

8. The material which is placed before me does not show that there was any premeditation or conspiracy or reason to commit the

crime in question for which the offence is registered. It is seen that the parties before me are coming from respectable families and have deep roots in society. It is unfortunate that they got embroiled in the present incident in question.

9. Generally this Court is cautious with granting consent quashing in the matters relating to Section 307 where weapons are used but such is not the case before the Court. It is seen that there is no previous enmity between the parties and the parties are in fact known to each other and live in the same locality. However because of the precursor incident of slapping an elderly family member in a fit of rage, the present incident occurred.

10. Consent affidavit dated 08.10.2026 filed by the Complainant is tendered before the Court. I have perused the same. The Complainant states that he has on his own volition consented for quashing of the present FIR and does not harbour any grudge or ill-will against the Petitioner. The same is taken on record and placed on the record of the Court.

11. In view of my aforesaid observations and findings emanating from the record, I am inclined to consider the request of the parties for consent quashing.

12. 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.

13. 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 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

1 1992 AIR 604

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.

14. The Petition is therefore 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 order of cognizance dated 06.04.2026, the FIR bearing C.R. No. 104 of 2025 registered with Bibwewadi Police Station, Pune, the chargesheet and all consequent proceedings in Sessions Case No. 624 of 2025 pending before the learned District Judge - 9 and Additional Sessions Judge, Pune, in their entirety, qua the Petitioner."*

15. As a consequence of allowing the present Petition and quashing the FIR / C.R. No. 104 of 2025 and Sessions Case No. 624 of 2025, the Petitioner is forthwith directed to be released from prison.

16. All parties are directed to act on a certified / server copy of this order downloaded from the website of the Bombay High Court.

17. Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR
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Date: 2026.10.08 20:24:42 +0530