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

CRIMINAL APPLICATION (APL) NO.625 OF 2025

1. Dinesh Madhukar Dhere,
Occupation : Driver, MSRTC,
Age : 32 Years,
Resident of Hiwara Lahe,
Taluka Karanja Lad,
District Washim,
Maharashtra 444105.
Now serving at Ramtek bus Depot,
R/o Shiv Nagar, Ramtek,
Taluka Ramtek, District Nagpur,
Batch No.133019.

.... APPLICANT

// VERSUS //

1. State of Maharashtra and Ors.,
Through Mana Police Station
District Akola.
2. Dnyaneshwar Vitthalrao Ganjare,
Age : 45 Years,
Occupation : Farmer,
R/o at : Malkapur,
Taluka Murtizapur,
District Akola.

....NON-APPLICANTS

Mr. A. R. Fule, Advocate for applicant.

Ms. M. A. Barabde, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/02/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**

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3. Heard finally with the consent of the learned Counsel for the applicant and learned APP for the State.

4. Present application is preferred by the applicant for quashing of the FIR in connection with Crime No.160/2022 registered with Police Station Mana, District Akola for the offence punishable under Sections 279, 304-A of the Indian Penal Code and under Sections 184, 134, 177 of the Motor Vehicles Act.

5. Heard learned counsel for the applicant, who submitted that the present applicant is serving as S.T. Bus driver and he is shown to be involved in a Crime No.160/2022, wherein it is alleged that on 09.06.2022, one Naimoddin Sheikh has lodged a report that he is doing the labour work acquainted with one Dnyaneshwar Ganjare. On 06.06.2022, he received a phone call of Vilas Suryabhan Ingole that said Ganjare met with an accident on Amravati - Murtizapur road. He immediately rushed to the spot and saw the deceased, who succumbed to the death due to the accident. On the basis of the said report, police have registered the crime against the unknown vehicle. He submitted that after 20 days, the statement of Vilas Ingole was recorded and on the basis of his statement, the present applicant shown to be involved in the present crime. He submitted that except the statement of this witness, there is absolutely no material to connect the present applicant with the alleged offence. Merely

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on the basis of suspicion, he is implicated in the alleged offence. As far as the involvement of the present applicant is concerned, which is doubtful. In view of that, the application deserves to be allowed. He also invited my attention towards various statements of the witnesses and submitted that these statements are recorded after 20 days of the incident and considering all these things, the application deserves to be allowed.

6. Per contra, learned APP strongly opposed for the same and submitted that during the investigation, the Investigating Officer has collected the information from the department i.e. MSRTC, wherein it is alleged that the applicant has driven the Bus bearing No.MH-40-AQ-6054 and during investigation, it was revealed that on the day of incident present applicant was driving the said bus. Thus, at this stage, there is sufficient material to show that the applicant was driving the said vehicle and therefore, the application deserves to be rejected.

7. On hearing both sides and on perusal of the entire investigation papers, there is no dispute as to the fact that initially, the crime was registered against the unknown vehicle. During investigation, the Investigating Officer has issued a communication to the MSRTC and collected information regarding the S.T. Buses which travelled on the way Murtizapur –

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Amravati and thereafter, on the basis of the statements of the various witnesses, the present applicant is arraigned an accused. The statements of the witnesses discloses the description of the S.T. Bus as well as the number of the S.T. Bus and on that basis, the present applicant was arraigned as an accused. At this stage, the scope of inquiry is to the extent of a *prima facie* inquiry and no mini trial is to be conducted by this Court. While exercising the power under Section 482 of the Code of Criminal Procedure the parameters laid down by the Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others** reported in **1992 Supp. (1) SCC 335**, are to be taken into consideration, in view of the same, which are reproduced herein under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

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(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

After applying the same, at this stage, there is a *prima facie* material to connect the present applicant with the alleged

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offence. In view of that, this would not be a fit case, wherein the power under Section 482 of the Code of Criminal Procedure are to be exercised. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is **rejected**.

(URMILA JOSHI-PHALKE, J)

Sarkate.