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

CRIMINAL APPLICATION (APL) NO.1155 OF 2025

1. Dr. Arun Shriram Panzade,
Aged about 56 Years,
Occupation : Service/Medical Officer,
Resident of Saoji Layout,
Sutala-kurd,
Khamgaon, District Buldana.

.... APPLICANT

// VERSUS //

1. The State of Maharashtra,
through its Police Station Officer,
Khamgaon (City), District Buldhana.
2. Ravindrasingh Kuldeepsingh Popali,
Aged about 45 Years,
Occupation : Service,
Resident of Baradari, Khamgaon,
District Buldana.

....NON-APPLICANTS

Mr. A. H. Daga, Advocate for applicant.
Mr. Nikhil Joshi, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicant and learned APP for the State. The
non-applicant No.2 though served none appears for the
non-applicant No.2.

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4. Present application is preferred by the applicant for quashing of the FIR in connection with Crime No.241/2025 registered with Police Station Khamgaon (City), District Buldana for the offence punishable under Section 325 of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing charge sheet No.186/2025.

5. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that on 01.07.2025 at about 8.30 to 9.00 pm. the present applicant has driven the car in rash and negligent manner without considering the traffic rules and regulations and gave dash to a dog due to which, the dog succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant. In the said incident, the car bearing No.MH-28/AZ-0318 was involved.

6. Learned counsel for the applicant submitted that considering the essential ingredients which are required for the mischief which are defined in the Section 425 of IPC which says that whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes

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its value or utility, or affects it injuriously, commits "mischief". He submitted that by applying the said definition to the present act of the present applicant, admittedly, there was no *means rea*, it is pure an accident and due to the accident, the dog died and therefore, the offence under Section 325 of BNS, is not made out. He submitted that in view of Section 325 of BNS, what is the requirement is that whoever commits mischief by killing, poisoning, maiming or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

7. Hence, in order to attract Section 325 of BNS, it is essential to prove the offence of mischief, which is the main ingredient of Section 325 of BNS, and hence, it is necessary to establish that the accused had the requisite intention or knowledge to cause wrongful loss or damage to the public or person.

8. From a bare perusal of the FIR, it is manifest that the accused/applicant was driving the car on the road itself and his car had accidentally hit the stray dog as a result of which the dog died. There is no allegation in the FIR that the accused/applicant had deliberately or intentionally hit the dog or that he had gone towards the dog to hit it. Therefore, there is no *means rea*. In absence of the *means rea*, the offence under Section 325 of BNS,

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is not made out. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The FIR in connection with Crime No.241/2025 registered with Police Station Khamgaon (City), District Buldana for the offence punishable under Section 325 of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing charge sheet No.186/2025, is hereby quashed and set aside to the extent of the present applicant.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)

Sarkate.