



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

**CRIMINAL REVISION APPLICATION NO. 125 OF 2022**

|                                           |   |                       |
|-------------------------------------------|---|-----------------------|
| 1. NITIN @ BUNTY S/O GAJANAN JANGALE      | ] |                       |
| Aged 39 years, Occu.: Service (Temporary) | ] |                       |
| Resident of Bhim Nagar Ward,              | ] |                       |
| Hinanghat – 442301, Tahsil- Hinganghat    | ] |                       |
| District Wardha                           | ] |                       |
|                                           |   |                       |
| 2. KUNAL RASHTRAPAL JAWADE                | ] |                       |
| Aged 40 years, Occu.: Service             | ] |                       |
| Resident of Lotan Square, Bhim Nagar Ward | ] |                       |
| Hinanghat – 442301, Tahsil- Hinganghat    | ] |                       |
| District Wardha                           | ] | <b>... Applicants</b> |

**Versus**

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| The State of Maharashtra,          | ] |                       |
| Through Police Station, Hinganghat | ] |                       |
| Tahsil-Hinganghat, District Wardha | ] |                       |
| Maharashtra State                  | ] | <b>... Respondent</b> |

**WITH**

**CRIMINAL REVISION APPLICATION NO. 126 OF 2022**

|                                        |   |                       |
|----------------------------------------|---|-----------------------|
| 1. SUBHASH NATHUJI SOYAM               | ] |                       |
| Aged 41 years, Occu.: Labourer         | ] |                       |
|                                        |   |                       |
| 2. VIKAS @ VICKY RAJENDRA MUNESHWAR    | ] |                       |
| Aged 38 years, Occu.: Labourer         | ] |                       |
| All Resident of Bhim Nagar Ward        | ] |                       |
| Hinanghat – 442301, Tahsil- Hinganghat | ] |                       |
| District Wardha                        | ] | <b>... Applicants</b> |

**Versus**

|                           |   |  |
|---------------------------|---|--|
| The State of Maharashtra, | ] |  |
|---------------------------|---|--|

Through Police Station, Hinganghat ]  
Tahsil-Hinganghat, District Wardha ]  
Maharashtra State ] ... **Respondent**

**AND**

**CRIMINAL REVISION APPLICATION NO. 127 OF 2022**

1. ANIL S/O MAHADEORAO MOON ]  
Aged 38 years, Occu.: Tailor ]  
Resident of Bhim Nagar Ward ]  
Hinanghat – 442301, Tahsil- Hinganghat ]  
District Wardha ] ... **Applicant**

**Versus**

The State of Maharashtra, ]  
Through Police Station, Hinganghat ]  
Tahsil-Hinganghat, District Wardha ]  
Maharashtra State ] ... **Respondent**

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*\* Adv. Ayushi Dangre for the Applicants in REVN No. 125/2022*

*\* Adv. Punam Pisurde b/h Adv. S.V. Sirpurkar for the Applicants in REVN No. 126/2022*

*\* Adv. Neeraj S. Khandewale for the Applicants in REVN No. 127/2022*

*\* Mr. Anant M. Ghogre, APP for Respondent/State.*

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**CORAM : MEHROZ K. PATHAN J.**

**RESERVED ON : 9<sup>th</sup> SEPTEMBER, 2026**  
**PRONOUNCED ON : 16<sup>th</sup> SEPTEMBER, 2026**

**JUDGMENT :**

1. The Applicants have approached this Court seeking quashment of the proceedings and of the conviction, on account of the settlement arrived at between the Applicants and the Complainant. The learned Judicial Magistrate First Class,

Hinganghat, vide judgment dated 26.02.2016, convicted the Applicants under Sections 143, 147, 452, 448, 294, 323, and 506 read with Section 149 of the Indian Penal Code, 1860, as well as under Section 4 of the Maharashtra Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010, and sentenced them to suffer Rigorous Imprisonment for three years. The Applicants thereafter preferred appeals before the learned Sessions Judge. The appeals came to be partly allowed by the learned Appellate Court vide judgment dated 29.04.2022, whereby the conviction of the Applicants was upheld, however, the sentence was modified from three years of Rigorous Imprisonment to one year of Rigorous Imprisonment along with a fine of Rs.5,000/- each.

2. The Applicants, as well as the victim/Complainant, have entered into a compromise, the terms of which are placed on record. The Applicants have approached this Court by filing the present Revision Applications challenging the judgment passed by the learned Additional Sessions Judge, whereby the judgment of conviction rendered by the learned Judicial Magistrate First Class was confirmed, though the sentence was reduced from three years to one year. The compromise terms placed on record

demonstrate that the Complainant has voluntarily entered into the compromise, with the intention of putting an end to the animosity between the Applicants and the Complainant. The victim/Complainant, who is present before this Court, was personally interacted with by the Court. The victim confirmed that he has entered into the compromise with the Applicants. The victim, being a doctor, clarified that he has not been pressurized to enter into the compromise and that the same has been signed voluntarily, taking into consideration the age of the Applicants and with the intention of putting the dispute to rest once and for all, so as to live peacefully henceforth. Upon being asked whether he has any condition for setting aside the conviction order, the victim has categorically stated that he has no condition for quashment of the proceedings on the ground of settlement and compromise.

3. The learned respective Counsel for the Applicants further relies upon the judgment of the Hon'ble Supreme Court in **Ramawatar v. State of Madhya Pradesh, reported in (2022) 13 SCC 635**, wherein the Hon'ble Supreme Court permitted the exercise of inherent powers under Section 482 of the Code of Criminal Procedure for quashment of proceedings even after conviction of the accused. The learned Counsel, therefore, prays for quashment of the judgment of conviction as well as the

appellate judgment, in exercise of powers under Section 482 of the Code of Criminal Procedure.

4. As against this, the learned APP strongly opposes the present Applications on the ground that the Applicants and the Complainant have engaged the police machinery for a considerable period of time. The Applicants now stand convicted by the learned trial Court and are sentenced to suffer Rigorous Imprisonment for three years. The judgment of conviction has been upheld by the learned Appellate Court, which has confirmed the finding of guilt. The Applicants are accused of serious offences punishable under Sections 143, 147, 452, 448, 294, 323, and 506 read with Section 149 of the Indian Penal Code, 1860. Hence, this is not a fit case for quashment of the proceedings after conviction, merely on the ground of settlement between the parties.

5. However if upon consideration of the dispute it is concluded that a case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure for quashing of the conviction, heavy and exemplary costs may be imposed upon the Applicants for having misused the police machinery and thereafter entered into the compromise.

6. I have carefully perused the joint applications filed by the Applicants herein in all three cases, as well as the copy of the mutual agreement entered into between the accused and the victim/Pralhad Khobragade. I have further examined the joint application filed on behalf of the accused and the Complainant seeking quashment of the FIR, compounding of the offence, and quashment of the judgment of conviction dated 26.02.2016, together with the judgment dated 29.04.2022 passed by the learned Appellate Court. I have also considered the judgment of the Hon'ble Supreme Court in Ramawatar v. State of Madhya Pradesh (cited supra). The Hon'ble Supreme Court in the aforesaid judgment after considering the judgment in the case of **Ramgopal and Another Vs. State of Madhya Pradesh reported in (2022) 14 SCC 531**, was pleased to observe as under : Para 11, 12 and 13 have observed as follows:-

"10. The Court in [Ramgopal](#) (Supra) further postulated that criminal proceedings involving nonheinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate level. The Court, however, being conscious of the fact that unscrupulous offenders may attempt to escape their criminal liabilities by securing a compromise through brute force, threats, bribes, or other such unethical and illegal means, cautioned that in cases where a settlement is struck postconviction, the Courts should, interalia, carefully examine the fashion in which the compromise has been arrived at, as well as, the conduct of the accused before and after the incident in question. While concluding, the Court also formulated certain guidelines and held:

"19... Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the

society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations." [Emphasis Applied]

12. In view of the settled proposition of law, we affirm the decision of this Court in Ramgopal (Supra) and reiterate that the powers of this Court under Article 142 can be invoked to quash a criminal proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.
13. **We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in postconviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is subjudice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sinequanon to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible.** Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollowhearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

7. Thus upon perusal of the observations made by the three-Judge Bench in the aforesaid judgment in Ramawatar (supra), it is evident that such powers of wide amplitude ought to be exercised with circumspection in the context of quashing criminal proceedings. The powers under Section 482 of the Code of Criminal Procedure are exercisable in post-conviction matters only where an appeal is pending before a judicial forum. This is premised on the principle that an order of conviction does not attain finality until the accused has exhausted his or her legal remedies, and the matter remains sub judice before the appellate

court. The pendency of legal proceedings, whether before the final Court or otherwise, is a sine qua non for invoking the superior Court's plenary powers to do complete justice. The only bar arises when the settlement has been concluded after the exhaustion of all legal remedies; in such circumstances, annulment of proceedings on the basis of compromise would be impermissible.

. Thus the pendency of the present Revision before this Court is one clear indication that the aforesaid powers may be exercised, as the accused has not yet exhausted all the remedies available to him for challenging the order of conviction. The Revision is still pending consideration, and the aforesaid observations of the Hon'ble Supreme Court therefore permit this Court to examine the matter and set aside the conviction on the ground of compromise and settlement, provided that other relevant factors such as the gravity of the offences, the seriousness of the injuries, and the voluntary nature of the compromise between the accused and the victim, are duly taken into consideration.

**8.** In the present case also, upon interacting with the victim, it appears to this Court that the settlement is voluntary in nature and that no coercion has been exercised by the accused

Applicants. Taking into consideration the nature of the allegations, which do not appear to be grave enough to fall within the category of heinous offences, I am inclined to exercise discretion under Section 482 of the Code of Criminal Procedure for quashing of the proceedings, particularly in view of the judgment of the Hon'ble Supreme Court in Ramawatar (supra). Hence, I pass the following order:

**ORDER**

- (i) The impugned orders dated 26.02.2016 passed by the learned Judicial Magistrate First Class, Hinganghat in Regular Criminal Case No. 248/2009 and judgment dated 29.04.2022 passed by the learned Additional Sessions Judge Hinganghat are quashed and set aside.
- (ii) The aforesaid order is subject to the Applicants depositing the amount of Rs.10,000/- each and the same shall be paid to the High Court Legal-Aid Sub-Committee within a period of two weeks.
- (iii) The Criminal Revision Applications are allowed and disposed of accordingly.
- (iv) Put up for compliance on 30.09.2026.

**[ MEHROZ K. PATHAN ]  
JUDGE**

*Najeeb*