



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 327 OF 2021

Sagar Shivaji Wagh

.. Applicant

Versus

The State Of Maharashtra And Another

.. Respondents

Mr. Shrinivas S. Wagh, Advocate for the Applicant.

Mr. S. B. Jadhav, APP for Respondent No. 1.

Mr. P. D. Biradar, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 18th JULY, 2025.

PER COURT :-

. Heard the parties for some time.

2. This application is filed seeking permission to compound the offences punishable under Sections 354-A and 452 of the Indian Penal Code (for short "I.P.C.") pending in the appeal before the learned Additional Sessions Judge – 1, Kopergaon bearing Criminal Appeal No. 9/2020. The respondent No. 2 had lodged the complaint against the present applicant for the offences punishable under Sections 354-A, 452 and 506 of the I.P.C. On the basis of FIR, crime came to be registered bearing Crime

No. 3/2019 with Shrirampur Police Station. The applicant was tried and was convicted of the said offences. The applicant challenged the conviction by filing an appeal before the learned Sessions Judge. During the pendency of the appeal, due to intervention of elderly persons the matter is settled between the parties out of the Court. In view of settlement, the applicant prayed for permission to compound the offences. The respondent No. 2 also filed an affidavit stating that she has no objection to compound the offence. The matter is amicable settled due to intervention of elderly persons in the society. A prayer was made to allow the appeal and to set aside the judgment and order passed by the learned J.M.F.C., Rahata dated 20.01.2020.

3. The learned Additional Sessions Judge observed that, though the matter is compromised, offences punishable under Sections 354-A and 452 of the I.P.C. are not compoundable in view of Section 320 of the Code of Criminal Procedure. The learned Additional Sessions Judge, however, by impugned order dated 04.01.2021 granted permission to compound the offence punishable under Section 506 of the I.P.C. The applicant, therefore, has approached this Court.

4. There is no dispute that the matter is now settled between the parties. The only question as to whether the offences can be compounded.

5. The learned advocate for the applicant relies upon the judgment of Full Bench of the Hon'ble Apex Court in the case of **Ramawatar Vs. State of Madhya Pradesh** reported in **(2022) 13 SCC 635**. The Hon'ble Apex Court has held that, the High Court has inherent powers under Section 482 to quash non compoundable offence even post conviction. It is held that, the offence can be quashed where appeal is pending before one or other judicial Court. However, the same cannot be done after attaining the finality to the judgment.

6. Considering the above, this Court has taken up the matter. As there is no dispute, the fact that matter is now settled between the parties and the offence is not compoundable and therefore, it can be quashed. While quashing the offence, this Court has to be conscious of the fact that, investigating machinery is utilized. The Court's time is also wasted in the entire process.

7. The learned A.P.P. has rightly pointed out that, in the present

matter, cost should be imposed for the above reasons.

8. Considering all the submissions, I pass the following order :

ORDER

(I) The proceeding pending before the learned Additional Sessions Judge-1, Kopargoan in Criminal Appeal No. 9/2020 is hereby quashed and set aside.

(II) Consequently, the judgment of conviction recorded by the learned J.M.F.C. is also quashed.

(III) The above order is subject to following condition that the applicant shall deposit an amount of Rs. 15,000/- (Rs. Fifteen Thousand only) to the Government Pleader's Library of this Court. Rs. 10,000/- (Rs. Ten Thousand only) be paid to the Bar Association of this Court. The Bar Association of this Court to utilize the said amount for the purpose of Creche/Child Day Care Centre maintained by the Bar Association.

9. With this, criminal application stands allowed and disposed of.

(KISHORE C. SANT, J.)

P.S.B.