



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

CRIMINAL APPLICATION NO. 999 OF 2024

Shaikh Abdul Gani Shaikh Kamruddin
and others

... APPLICANTS

VERSUS

The State of Maharashtra
and others

... RESPONDENTS

.....
Mr. H.P. Randhir, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for State
.....

**CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 3rd DECEMBER, 2025

ORDER :

Heard. This is an application under Section 482 of the Code of Criminal Procedure for quashing of the order of conviction and sentence, recorded against the applicants for the offence punishable under Section 326 read with Section 149 of the Indian Penal Code and related offence.

2. The applicants were tried for the offence punishable under Section 307 read with Section 149 and related offences punishable under the Indian Penal Code. On trial, the Trial Court/Sessions Court convicted the applicants for the offences punishable under Sections 143, 147, 326, 323 and 506 read with Section 149 of the Indian Penal Code and sentenced to different terms of sentences and fine with default stipulation. The maximum term of sentence imposed against the applicants is five years for the offence punishable under Section 326 read with Section 149 of the Indian Penal Code.

3. It is informed that, all the applicants were behind the bars for little over 4/5 months in connection with the present crime. Post conviction, the applicants, informant and the injured have come to the terms. They have settled the matter amicably. Affidavits of the informant and two injured have been placed on record. They have been represented by an Advocate.

4. The learned A.P.P. has strong reservations to allow the application on account of the offence to have been serious

one and the number of convicts to have been involved therein.

5. The Apex Court, in case of **Ramawatar Vs. State of Madhya Pradesh (2022) 13 SCC 635**, it has been held :

“Criminal Procedure Code, 1973– Ss. 482 and 320– Quashment of proceedings in cases of non-compoundable offences– When permissible by invocation of inherent powers of High Court or Supreme Court– Effect of S.320 Cr.P.C.- Principles summarised – Held, jurisdiction of a Court under S.320 Cr.P.C. cannot be construed as a proscription against the invocation of inherent powers vested in Supreme Court under Art.142 of the Constitution nor on the powers of High Courts under S. 482 Cr.P.C.”

6. The applicants, informant and the injured are related to each other. All of them are residing in one and the same vicinity. With a view to give peace a chance, and considering the nature of the offence for which the applicants have been convicted, we endorse the terms and allow the Criminal Application in terms of the following order :

ORDER

(i) The Criminal Application is allowed.

- (ii) The conviction of the applicants and the sentence, recorded by the Court of learned Additional Sessions Judge, Jalgaon in Sessions Case No.64/2015, by judgment and order dated 10/3/2022 is hereby set aside. The applicants are acquitted of the offences punishable under Sections 143, 147, 326, 323 and 506 read with Section 149 of the Indian Penal Code. Their bail bonds to stand cancelled. The amount of fine deposited by the applicants be refunded to them.
- (iii) Consequently, Criminal Appeal No.226/2022 pending before this Court to stand disposed of.
- (iv) The applicants shall deposit with this Court a sum of Rs.1,00,000/- (Rupees One Lakh) as cost on or before 10/01/2026. Deposit of amount of costs is condition precedent for allowing this application. Once the said amount is deposited, an amount of Rs.35,000/- (Rupees Thirty Five thousand) be remitted to the Library of the office of Government Pleader, High Court, Bench at Aurangabad, an amount of Rs.35,000/- (Rupees Thirty Five thousand)

be remitted to the Library of the Bar Association, High Court, Bench at Aurangabad and amount Rs.30,000/- (Rupees Thirty thousand) be remitted to the High Court Dispensary, Bench at Aurangabad.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)

fmp/-