



Correction has been carried out in view of speaking to minutes order dated 16.10.2025.

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

Criminal Application No. 2919 Of 2024

1. Shakilabee w/o Abdul Kadar
Age : 79 years, Occu.: Household,
R/o Devgaon Kusli, Tq. Badnapur,
Dist. Jalna.
2. Jahedabee w/o Sk. Lal,
Age : 73 years, Occu.: Household,
R/o Devgaon Kusli, Tq. Badnapur,
Dist. Jalna.

.. Applicants

Versus

1. The State of Maharashtra
Copy to be served on the
Public Prosecutor, High
Court of Bombay Bench at Aurangabad.
2. Latabai w/o Dnyaneshwar Jadhav
Age : 46 years, Occu.: Agril.,
R/o Devgaon Kusli, Tq. Badnapur,
Dist. Jalna.

.. Respondents

- * Mr. Sohail Subhedar holding for Mr. N.S. Ghanekar,
Advocate for the Applicants.
- * Mr. N. S. Tekale, APP for Respondent No. 1.
- * Mr. Sanket S. Palnitkar,
Advocate for Respondent No. 2.

**CORAM : SANDIPKUMAR C. MORE AND
MEHROZ K. PATHAN, JJ..**

Date Of Reserving the Order : 6th October 2025

Date Of Pronouncing the Order : 13th October 2025

ORDER [Per Mehroz K. Pathan, J.] :

1. The application has filed by the Applicants who are the accused convicted in Sessions Case by the learned Special Court in Special Case No.14/2001 for quashing and setting aside the judgment and order dated 11.06.2003 on the ground that the complainant/Latabai in the said crime and the Applicant No.1/Shakilabee and Applicant No.2/Jahedabee have settled the dispute.

2. This Court had issued the notice to the Respondents as well as the learned APP waived service on behalf of the State Government. The matter was thereafter heard and vide order dated 10.09.2025, this Court had considered the present application for hearing. This Court has taken note of the fact that the Respondent No.2/Complainant was paid an amount of Rs.6250/- in 2002 under the scheme to compensate the members of the scheduled caste and scheduled tribe, against whom the atrocities were alleged. The learned APP thus took an objection that the compromise shall not be accepted after the Applicants have already been convicted for the said offences under the Atrocities Act.

3. It was also noticed in the order dated 10.09.2025 that the Respondent No.2/Complainant would voluntarily deposit the amount of Rs.6250/- which she has received from the Government and for the reasons in the settlement deed, she wants to give consent for the quashment of the conviction. This Court allowed the Respondent No.2 to deposit the said amount with the Social Justice Department within a period of two weeks and to produce a

copy of the receipt of such deposit.

4. The matter was thereafter listed before this court on 01.10.2025. The statement was made before this Court that the Respondent No.2/Complainant - Latabai had deposited the amount of Rs.6250/- as directed by this Court vide order dated 10.09.2025. However as the parties were not present before this Court, the Counsels were directed to keep the parties before this Court. The parties are thus, present before this Court today, confirming that they have arrived at a settlement and for the reasons stated in the application that the Applicants are old aged ladies and that the criminal proceedings arise out of trivial dispute between them and that with intervention of the neighbours and respectable persons of the vicinity, they have decided to settle the dispute amongst themselves. The Respondent No.2 has categorically made statement that she has no objection for quashment of the proceeding.

5. The Respondent No.2 was personally present before this Court and her identification particulars was verified by this Court by putting questions to her. Learned Counsel for the Respondent No.2 appearing on her behalf also identified her and produces a photocopy of the Aadhar Card on record which is marked as document 'X' for identification. The Applicants and Respondent were present before this Court and after interaction with them it was found that they were old aged ladies and wanted to settle their disputes permanently so that they can live amicably in the neighborhood. The Hon'ble Supreme Court in the judgment reported in **Ramgopal and Another Vs. State of Madhya Pradesh**,

(2022) 14 SCC 531, has held that the powers under Section 482 can be exercised, even to quash the conviction of the accused persons, even at the appellate stage by the Appellate Court. The Hon'ble Supreme Court has held that the inherent powers of the High Court under Section 482, is to be exercised, to see that there is no abuse of process of law.

6. The perusal of the judgment of the conviction would show that the Applicants/accused persons have abused the Complainant in the name of her caste on a trivial issue and have thereafter attempted to push the Complainant in the well and as such the Applicants were prosecuted for committing to attempt to murder of the Complainant and under the relevant Section 3(i)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The Applicants were also charged for an offence under Section 323 of the Indian Penal Code. The perusal of the entire record would show that there was hardly any injuries on the person of the Complainant/victim, which would make the offence fall under the heinous or grievous offence category.

7. The learned APP had opposed the quashing of the proceeding after the conviction of the Appellants on the ground of settlement in a non-compoundable offence. He submits that the Full Bench of this Court in the judgment in **Maya Sanjay Khandare and Another Vs. State of Maharashtra**, 2021 (1) Mh.L.J. 613, has held that post conviction compromise is not sufficient to set aside the conviction in non-compoundable offence. This Court also had an occasion to deal with identical application for quashing of the settlement after the conviction of the Appellants, in Criminal Appeal No.568/2011

in the matter of **Vijay Karbhari Golhar and Others Vs. State of Maharashtra** and connected appeals.

8. This Court has found that after the Full Bench decision in Maya Sanjay Khandare (supra), the Apex Court had pronounced judgment dated 29.09.2021 in Ramgopal (supra), which was further affirmed by this Court in **Ramawatar Vs. State of Madhya Pradesh**, AIR 2021 SC 5228 by the three Judges Bench of the Apex court, wherein it was laid down as under :

“10. So far as the first question is concerned, it would be ad rem to outrightly refer to the recent decision of this Court in the case of RamGopal and Anr. Vs. The State of Madhya Pradesh, wherein, a two Judge Bench of this Court consisting of two of us (N.V. Ramana, CJI & Surya Kant, J) was confronted with an identical question. Answering in the affirmative, it has been clarified that the jurisdiction of a Court under Section 320 Cr.P.C. cannot be construed as a proscription against the invocation of inherent powers vested in this Court under Article 142 of the Constitution nor on the powers of the High Courts under Section 482 Cr.P.C. It was further held that the touchstone for exercising the extraordinary powers under Article 142 or Section 482 Cr.P.C., would be to do complete justice. Therefore, this Court or the High Court, as the case may be, after having given due regard to the nature of the offence and the fact that the victim/complainant has willingly entered into a settlement/compromise, can quash proceedings in exercise of their respective constitutional / inherent powers.”

9. This Court in the aforesaid judgment was therefore pleased to follow Apex Court decision in Ramgopal and Ramawatar (supra), which was consistently followed by the Bombay High Court in various other subsequent matters. The Court has therefore set aside the judgment and order of conviction passed by the learned Additional Sessions Judge, Beed on 19.09.2011 in the Sessions Case No.29/2009 and likewise in other identical appeals.

10. We have considered the aforesaid judgments of the Hon’ble Apex Court in Ramgopal (supra) which came to be followed by

three Judges Bench of this Court in Ramawatar (supra) and the judgment of the Division Bench in Criminal Appeal No.568/2011. We do not find any reason to take a different view, than that taken by the Division Bench in the aforesaid appeal and the other connected appeals. We are therefore, satisfied that the powers under Section 482 are to be exercised in criminal proceeding involving non-heinous offences and the proceedings can be annulled irrespective of the fact that the trial has already been concluded or the appeal stands dismissed against the conviction. We also interacted with the Applicants and the Complainant who are old aged ladies. The incident has occurred more than 24 years ago and the incident was a fallout of a trivial issue, involving allegations of an attempt to push the complainant into the well, abusing her in the name of her caste. In our considered opinion, we do not find the offence to be a heinous offence, which involves a public element. Looking to the advanced age of the Applicants and the Complainant who are present before this Court and with a request to quash the proceeding so that they can live amicably in the vicinity as neighbors, we intend to quash the conviction of the Applicants in exercise of powers under Section 482 Cr.P.C. by accepting their compromise as stated in the application. Hence the following order :

ORDER

- a) The judgment and order dated 11.06.2003 passed by the learned Sessions Court, Jalna in Special Case No.14/2001 is hereby quashed and set aside.
- b) The Criminal Application is allowed in the above terms and

disposed of with no order as to costs.

[MEHROZ K. PATHAN]
JUDGE

[SANDIPKUMAR C. MORE]
JUDGE

Najeeb..