



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

**CRIMINAL APPLICATION NO.3584 OF 2025
IN
CRIMINAL APPEAL NO. 244 OF 2003**

1. Balasaheb Kachru suryawanshi,
Age : Major, Occ. Agriculture,
2. Ashok Kachru Suryawanshi,
Age : Major, Occ. Agriculture,
R/o. As above
3. Pandharinath Kachru Suryawanshi,
Age : Major, Occ. Agriculture,

All resident of Walan, Tal. Vaijapur,
District Chhatrapati Sambhajanagar. Applicants
(Accused Nos. 1 to 3)

VERSUS

1. The State of Maharashtra
2. Sahebrao Walhu Chavan,
Age : Major, Occ. Agriculture,
R/o. Vaijapur, District Chh.
Sambhajanagar

Respondents
(Res. No.2 informant)

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Advocate for the applicant Nos. 1 to 3 : Mr. Tabrej Quadri
h/t Mr. Gulam Mustafa
A.P.P. for Respondent No.1/State : Mr. N. B. Patil
Advocate for Respondent No.2 : Mr. Sartaj H. Pathan
...

**CORAM : SANDIPKUMAR C. MORE AND
Y. G. KHOBRAGADE, JJ.**

DATED : 20/11/2025.

ORDER :

1. Heard rival submissions. By way of this application, the applicants, who are original accused, are seeking quashing of Judgment and order dated 27.03.2003, passed by the learned Trial Judge, i.e. 4th Ad-hoc Additional Sessions Judge, Aurangabad in Sessions Case No. 216 of 2002, on settlement and consequently their acquittal.

2. Admittedly, applicant No.1 and 3 are convicted in the aforesaid Sessions Case for the offence under Section 325 of the Indian Penal Code, (hereinafter referred to as 'I.P.C.") and applicant Nos. 2 and 3 are convicted for the offence under Section 324 of the I.P.C., in the same case. For the offence under Section 325 of the I.P.C, applicant No.1 and 3 are sentenced to suffer rigorous imprisonment for two months and to pay fine of Rs. 4,000/- each with default clause. Whereas, for the offence punishable under Section 324 of the I.P.C., the applicant Nos. 2 and 3 are sentenced to suffer rigorous imprisonment for one month and to pay fine of Rs. 1,000/- each with default clause.

3. However, during the pendency of the present appeal of the applicants, compromise took place between the applicants and

informant / respondent No.2, which resulted into filing of compromise terms between them. The said compromise is taken on record and marked 'X' for identification. It was sent to the learned Registrar (Judicial) of this Court for verifying its contents. The learned Registrar (Judicial) vide report dated 04.11.2025, intimated this Court that the parties to the compromise admitted the contents and submitted that they have voluntarily entered into the compromise. According to them, due to intervention of elderly persons and for future harmonious relations, they have buried their dispute and now they have decided to enjoy their friendship by forgetting all the earlier bitter experience of the incident as well as criminal prosecution. Thus, they are now seeking quashing of impugned judgment at post-conviction stage. However, it is also significant to note that in the instant case, there were other injured persons also, namely Somnath Sahebrao Chavan, Bhaginath Sahebrao Chavan and Shivaji Sahebrao Chavan. They have filed their respective affidavits mentioning that they also have settled their dispute with the applicants and thereby supported the prayer claimed by the applicants in this application.

4. The learned A.P.P. strongly opposed the application on the ground that the offences are non-compoundable and the

parties unnecessarily used police as well as Court machinery, since 2003.

5. However, in the case of **Ramgopal and another Vs. The State of Madhya Pradesh, [(2022) 1 Mh.L.J. (cri) 291]**, it is observed that having regard to the nature of the offence and parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, the High Court can exercise its inherent powers under Section 482 of the code of criminal Procedure even if the offences are not compoundable. In case of **Ramawatar vs. State of Madhya Pradesh, (2022) 13 SCC 635** the same view has been reiterated by referring the earlier aforesaid judgment. It has been specifically observed as follows:

“We, however, put the further caveat that powers under Article 142 or under Section 482 of Cr.P.C. are exercisable in post conviction matters only when 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. As such now the pendency of criminal proceedings before the final court is sine qua non to involve the superior Court’s plenary powers to do complete justice.”

6. In view of the aforesaid observations it has been made clear that parties can be allowed to compromise the matter in non-compoundable matters even at the post-conviction stage, by exercising powers under Section 482 of the Cr.P.C.

7. In the instant matter, it appears that, the applicants and respondent No.2 are residents of same village and they have already decided to bury their differences for leading harmonious life in future. The injured persons have also settled their dispute with the applicants. Therefore, by considering the ratio laid down by the Hon'ble Apex Court in the aforesaid judgment and also considering the contents of compromise terms filed by the rival parties, we are of the opinion that, this is a fit case for exercising powers under Section 482 of the Cr.P.C by granting them permission to compound the matter. However, we are also of the opinion that since such compounding would result in the acquittal of applicants, they are not permitted to claim any refund of the fine amount deposited by them in the Court of learned Trial Judge, as they have utilized the Court machinery since long and then sought compounding of matter at post-conviction stage. In the result we pass following order :-

O R D E R

(I) The application stands allowed.

(ii) The judgment and order dated 27.03.2003 passed by the learned 4th Ad-hoc Additional Sessions Judge, Aurangabad in Sessions Case No. 216 of 2002 stands quashed and set aside along with the conviction recorded by the learned Trial Judge therein. Consequently the applicants are hereby acquitted, however, the fine amounts deposited by them shall stand forfeited to the Government.

(iii) The Criminal Appeal No. 244 of 2003 now being infructuous, also stands disposed of.

(Y. G. KHOBRAGADE, J.)

(SANDIPKUMAR C. MORE, J.)

Y.S.K/-