



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

87 CRIMINAL WRIT PETITION NO.1759 OF 2024

- 1 Baliram Baban Gavate,
Age 31 yrs., Occ. Agri.,
R/o Belura, Tq. & Dist. Beed.
- 2 Gopal Kisan Gavate,
Age 24 yrs., Occ. Agri.,
R/o Belura, Tq. & Dist. Beed.
- 3 Baban Deorao Gavate,
Age 64 yrs., Occ. Agri.,
R/o Belura, Tq. & Dist. Beed.
- 4 Kisan Deorao Gavate,
Age 50 yrs., Occ. Agri.,
R/o Belura, Tq. & Dist. Beed.

... Petitioners

... Versus ...

- 1 The State of Maharashtra
Through Police Inspector,
Rural Police Station, Beed,
Tq. & Dist. Beed.
- 2 Pandurang Suresh Gavate,
Age 35 yrs., Occ. Agri.,
R/o Belura, Tq. & Dist. Beed.
- 3 Maroti Tanaji Gavate,
Age 60 yrs., Occ. Agri.,
R/o Belura, Tq. & Dist. Beed.
- 4 Ganesh Harishchandra Late,
Age 33 yrs., Occ. Agri.,

R/o Belura, Tq. & Dist. Beed.

... **Respondents**

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Mr. S.P. Salgar, Advocate h/f Mr. A.R. Devakate, Advocate for petitioners

Mr. A.M. Phule, APP for respondent No.1

Mr. N.U. Telgaonkar, Advocate for respondent Nos.2 to 4

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 15th SEPTEMBER, 2025

ORDER :

. Present writ petition has been filed for quashing order dated 18.09.2024 passed below Exh.23 in Criminal Appeal No.46/2024 by learned Sessions Judge, Beed. In the said appeal the present petitioner challenges the conviction awarded to him in Regular Criminal Case No.20/2018 by learned Judicial Magistrate First Class, Beed dated 27.06.2024 arising out of First Information Report vide Crime No.69/2017 dated 15.03.2017 registered with Rural Police Station, Beed, Tq. & Dist. Beed.

2 Heard learned Advocate Mr. S.P. Salgar holding for learned Advocate Mr. A.R. Devakate for petitioners, learned APP Mr. A.M. Phule for

respondent No.1 and learned Advocate Mr. N.U. Telgaonkar for respondent Nos.2 to 4.

3 It appears that petitioners/original accused stood prosecuted for the offence punishable under Section 341, 326, 325, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 punishable under Section 25 of the Indian Arms Act. By the said Judgment and order dated 27.06.2024 the learned Magistrate held the present petitioners guilty of committing offence under Section 341 read with Section 34, 324 read with Section 34, 323 read with Section 34, 504 read with Section 34, 506 read with Section 34 of the Indian Penal Code, however, acquitted them from the offence punishable under Sections 326 and 325 of the Indian Penal Code and Section 4 punishable under Section 25 of the Indian Arms Act. The said conviction has been challenged by present petitioners before the learned Sessions Judge, Beed by filing Criminal Appeal No.46/2024. During the pendency of appeal it is stated that there is compromise between the informant and present petitioners. Application was filed at Exh.22 for permitting them to file the compromise deed on record and at Exh.23 the compromise deed was presented. Learned Sessions Judge, Beed by order dated 18.09.2024 rejected the application/compromise deed by holding that he has no powers to compound offence under Section 324 of the Indian Penal

Code which is non compoundable. Hence, present petition has been filed to challenge the said order and allowing them to settle the matter, quash and set aside First Information Report and proceedings in Regular Criminal Case No.20/2018 as well as setting aside the conviction awarded against them.

4 Learned APP submits that he has no instructions in respect of criminal antecedents of the petitioners.

5 Learned Advocate appearing for petitioners relied on the decision of this Court in **Narayan Vishnu Vaybhat vs. The State of Maharashtra and others** in Criminal Writ Petition No.1865 of 2023, decided on 04.08.2025, wherein this Court had relied on the law summarized in **State of Madhya Pradesh vs. Laxmi Narayan and others** [(2019) 5 SCC 688], **Ramgopal vs. State of Madhya Pradesh** [2022 (1) Mh.L.J (Cri.) (SC) 291] and the Full Bench decision of this Court in **Maya vs. The State of Maharashtra** [2021 (1) MH.L.J. 613].

6 The first and the foremost fact that is required to be noted is that taking into consideration the sections, under which the petitioners have been held guilty, the maximum sentence that has been imposed is under Section 324 of the Indian Penal Code and now the parties want to improve their relationship and they have stated that they would not indulge in any offences

against each other. They also state that they are the relatives of each other. Under such circumstance, when they want to improve their relationship and with the law that has been so summarized in the above pronouncements, we are of the opinion that this is a fit case where we should exercise our constitutional powers under Article 226 of the Constitution of India. However, since the machinery has been utilized and the conviction is required to be then set aside, we impose cost on the petitioners. Hence, following order.

ORDER

- i) Criminal Writ Petition stands allowed.
- ii) Respondent No.2 and petitioners are allowed to compound the offence. Consequently we quash the conviction awarded to the petitioners in Regular Criminal Case No.20/2018 by learned Judicial Magistrate First Class, Beed dated 27.06.2024.
- iii) The petitioners stand acquitted of the offence punishable under Sections 341, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.
- iv) The proceedings in Regular Criminal Case No.20/2018 arising

out of First Information Report vide Crime No.69/2017 stands quashed and set aside.

v) Criminal Appeal No.46/2024 pending before learned Sessions Judge, Beed stands disposed of as consequence of setting aside the conviction of petitioners.

vi) Petitioners to deposit cost amount of Rs.10,000/- (Rupees Ten Thousand only) each within a period of two weeks.

vii) The trial Court, where the fine amount is deposited, should ensure whether the cost amount is paid before this Court by the petitioners and if it is paid, then only the fine amount would be permitted to be withdrawn by the petitioners.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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