

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4530 OF 2025

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Anil Bhimrao Sapate & Ors.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Mr. Ritesh Thobde a/w Mr. Changdev Shingade for the Petitioners.
Mr. Pradeep Salgar a/w Ms. Vaishnavi A. Shelar for the Respondent
Nos. 2 and 3.
Mr. A.A. Naik, APP for the Respondent - State.
Mr. Pandurang Jadhav, PSI, Kamti Police Station present

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**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : November 27, 2025.

ORAL JUDGMENT:- (Per M.S. Karnik, J.)

1. This is a petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, thereby seeking to quash the First Information Report ("F.I.R" for short) in C.R. No. 133 of 2020 registered with Kamti Police Station and the Charge-sheet bearing R.C.C. No. 258 of 2020 for the offences

punishable under Sections 307, 324 r/w 34 of the Indian Penal Code ("IPC" for short) and to quash the proceedings in S.C. No.143 of 2020 pending before the Additional Sessions Judge, Solapur.

2. The prosecution story in brief is that on 4th August 2020, at about 10.15 p.m., when the informant was approaching the village on a motorcycle, the petitioners / accused along with other co-accused persons in furtherance of their common intention, assaulted the informant and his father with iron rod, knife and wooden log. The informant and his father sustained bleeding injuries. Complainants - respondent Nos. 2 and 3 are kith and kin of the petitioners. The wife of respondent No.2's brother is the cousin of petitioner No.1. Petitioner No.1's mother is the maternal cousin of the respondent No.2's mother.

3. The alleged incident arose due to a boundary dispute over the agricultural lands which the parties own. The elders in the community, being persons of repute in the village, have brought about an amicable settlement between the parties to maintain cordial relations in future. The respondent No.2 and his family members no longer wish to prosecute the petitioners for the offences registered against them. The parties have resolved their differences through intervention of respected community members who facilitated reconciliation

considering the longstanding family relations between the parties. Therefore, this petition for quashing by consent.

4. Learned APP while opposing the petition was at pains to point out that the petitioners are accused for the offence punishable under Section 307 of the IPC, which is serious in nature. It is submitted that considering the serious nature of the offence, this is not a fit case for quashing of the proceedings. Relying on the decision of the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Kalyan Singh & Ors.* in Criminal Appeal No. 14 of 2019 [arising out of SLP (Crl.) No. 5632 of 2014], dated 4th January 2019, learned APP pointed out that the accused therein were facing criminal proceedings for the offence punishable under Section 307 r/w Section 34 of the IPC. Their Lordships observed that offences under these sections are not compoundable offences, and looking at the serious allegations against the accused, the proceedings were not quashed. It is submitted that merely because the parties have settled their dispute, the criminal proceedings cannot be quashed as the nature of the offence is serious. Learned APP submitted that the trial has commenced and 3 panch witnesses have been examined and, therefore, also, at this stage, this petition should not be entertained.

5. We have heard learned counsel. Before we form an opinion, let us seek guidance from the decision of the Hon'ble Supreme Court in *Naushey Ali and Ors. Vs. State of Uttar Pradesh & Anr. (2025) 4 SCC 78*.

Foregoing are the significant observations;

18. *As would be additionally clear from a close reading of the above two paragraphs in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, even though compounding and quashing are conceptually different, this Court was careful in pointing out that merely because there is a settlement, for certain categories of offences proceedings will not be quashed. This is on the premise that crimes that have harmful effects on the public and consist of wrongdoing that seriously endangers and threatens the well-being of the society cannot be quashed, only because the accused and the victim have amicably settled the matter.*

19. *Coming to the facts, notwithstanding the fact that the High Court has mixed up the concepts of compounding and powers of quashment, still the case needs to be considered from the point of view of Section 482.*

22. *Before we apply this judgment to the facts, it will be worthwhile to recall the observations of Sikri, J. in Narinder Singh (supra):-*

"26. Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well."

(Emphasis supplied)"

6. The Hon'ble Supreme Court has clearly held that the proceedings should not be quashed solely on the ground that original complainant and the accused have settled their disputes, if the

allegations are of serious in nature under Section 307 r/w Section 34 of the IPC.

7. Let us see the facts in *Kalyan Singh & Ors. (Supra)*. The accused fired twice at the complainant by a country-made pistol. One of the accused persons was reported to be a hardcore criminal, having criminal antecedents. Their Lordships observed that, nevertheless, the fact remains that the accused was facing the criminal proceedings for offences under Sections 307, 294 read with Section 34 of the IPC and that the offences under these sections are non-compoundable offences. Looking at the serious allegations against the accused, Their Lordships were of the opinion that the High Court committed a grave error in quashing the criminal proceedings solely on the ground that the original complainant and the accused have settled the dispute.

8. In our opinion, the facts in the present case are distinguishable. We have perused the Medico Legal Certificate of the injured witness, the respondent No.3, herein. Perusal of the said certificate reveals that he has suffered simple injuries on the right shin and left shin. So far as respondent No.2 is concerned, two of the injuries, simple in nature are on the parietal head and parieto-occipital portion. There is one injury on the left knee, the nature of which is stated to be blunt

trauma, which is reported to be grievous. The x-ray of the left knee reveals that there was fracture of the upper shaft fibula of left side.

9. In such circumstances, the question is whether this Court should exercise its discretion in quashing criminal proceedings though the offence is not compoundable. The medical certificate records that the injuries suffered by respondent No.3 are simple in nature and there is one injury on the left knee suffered by respondent No.2 which is stated to be grievous.

10. The Hon'ble Supreme Court in *Narinder Singh and Ors. Vs. State of Punjab and Anr. (2014) 6 SCC 466* has laid down the guidelines observing that only because FIR / Charge-sheet incorporates provisions of Section 307 of the IPC could not by itself, constitute a ground to reject the petition under Section 482 of the Cr.P.C. and refuse to accept the settlement between the parties. The quashment of the proceedings depends on the facts and circumstances of each case. In paragraph 29, Their Lordships have laid down detailed guidelines to be followed before framing a view under what circumstances this Court should accept the settlement between the parties and quash the proceedings, and when we should refrain from doing so. Paragraph 29 is important, which reads thus :-

“29. *In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

29.1 *Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*

29.2 *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

(i) ends of justice, or

(ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3 *Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*

29.4. *On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.*

29.7. *While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of*

the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

11. We are conscious of the fact that powers under Section 482 of the Cr. P.C corresponding to Section 528 of the BNSS are to be exercised very sparingly. Formation of opinion by this Court, before it exercises inherent powers under Section 482 of the Cr.P.C. on either of the twin objectives, (i) to prevent abuse of the process of any Court, or (ii) to secure the ends of justice, is a *sine qua non*. The principles laid down in *Gian Singh Vs. State of Punjab (2012) 10 SCC 303* have been reiterated in *Narinder Singh & Ors. (Supra)*.

12. In the present case, we find that the village elders intervened in the matter and parties have not only buried the dispute but have also decided to live peacefully. In view of the compromise, there is minimal chance of witnesses coming forward in support of the prosecution case. It would become difficult to prove as to who caused injuries and hence, chances of conviction appears to be less. Further, the parties are related to each other and as submitted by learned counsel, the boundary dispute has now been resolved with the parties maintaining cordial relations with each other. Also, considering the medical certificate on record, the allegations and the nature of injuries, it is

doubtful whether this is a case which would satisfy the ingredients of Section 307 of the IPC.

13. The joint pursis has been filed on behalf of the petitioners and the respondent Nos. 2 and 3, wherein it is stated that the dispute is amicably settled by the elders in the village. We are, therefore, of the opinion that a case is made out to quash and set aside the criminal proceedings. In such view of the matter, we are of the opinion that the present petition deserves to be allowed and is accordingly allowed in terms of prayer clause (a), subject to payment of costs of Rs.50,000/- by the petitioners as well as respondent nos. 2 and 3. The costs to be paid to :-

Sr. No.	Cost to be paid To	Particulars	Amount
1.	Chairman Police Wel Fund / S P Sol Gramin	A/C No. 11324938969 State Bank of India, Solapur Treasury Branch (03072	Rs.25,000/-
2.	Bar Library Solapur	A/c No. 0952010102444 MIRC Code : 413024010 IFSC Code: PUNB0095220	Rs.25,000/-

14. The Writ Petition is disposed of in the aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]