

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.959 OF 2025**

Laxman Madhukar Naik And Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

HARISH
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CHAUDHARI

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Mr. Sangram Deai a/w Advait Vajaratkar Advocate for the Applicant.
Ms. Perna Somani Advocate for Original Complainant.
Mr. S. S. Chaudhari, APP for the Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 23rd DECEMBER, 2025**

P.C.

1. Buy this application under section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicants are seeking quash and set side the conviction order dated 5th December 2024 passed by the learned Sessions Judge in Sessions Case No. 55 of 2019 Sindhudurg in C.R. No. 161 of 2019. By the said order, the applicants have been convicted for the offences punishable under sections 307, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. The applicants are sentenced for the offences punishable under Sections 307, 504 and 506 read with Section 34 of the PIC. Highest punishment is awarded under Section 307 of IPC. They are sentenced

to suffer rigorous imprisonment for five years and pay total fine of Rs.60,000/- and in default to suffer rigorous imprisonment for three months.

3. It is contention of learned council for the applicants that the dispute between the applicants and the first informant arose out of a domestic and personal quarrel concerning land and neighborhood issues, and there was no element of premeditated or organized violence. The incident was a result of sudden misunderstanding between the parties. Both the parties have settled their dispute amicably. They have filed their consent terms before this Court and requested to quash and set aside the conviction imposed upon the applicants. Learned counsel for the Applicant relied on *Ramawatar vs. State of Madhya Pradesh [LL 2021 sc 589]* and *Suraj Singh Gujar And Anr. vs. State of Madhya Pradesh And Ors. [2024 SCC OnLine SC 2414]*.

4. Learned APP strongly objected to allow the application on the ground that the applicants have been convicted by the learned Sessions Judge. The first informant has stated against the applicants before the Session Court, accordingly, the applicants are convicted. Once the applicants are convicted, their conviction cannot be set side and requested to reject the application.

5. I have heard both the learned counsels. Perused the documents produced on record. This application is filed under Section 528 of BNSS Act,2023 which reads as under:

“528. Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

6. This section provides this Court can use inherent power to secure the ends of justice. The applicants and the first informant are resident of same village. They are neighbors and wants to settle their dispute. Considering these facts by using inherent powers under section 528 of the BNSS Act and to meet the ends of justice, I pass following order:

ORDER

- I. The criminal application is allowed.
 - II. The conviction order dated 5th December 2024 passed by the learned Sessions Judge in Sessions Case No. 55 of 2019 Sindhudurg in C.R. No. 161 of 2019, is here by quashed and set aside.
 - III. The applicants are acquitted for the offences punishable under sections 307, 504 and 506 read with section 34 of the Indian Penal Code.
7. Application is disposed off.

(SHIVKUMAR DIGE, J.)