

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4009 OF 2025

Abu Sufiyan Munaf Bagwan & Ors. ... Petitioners

Versus

The State Of Maharashtra & Anr. ... Respondents

Mr. Ujwal Agandurve for the Petitioner.
Ms. Priyanka Rane, A.P.P. for the Respondent No.1-State.
Mr. Adhik Kadam for Respondent No.2.

Coram : M. S. Karnik
Sharmila U. Deshmukh, JJ.

Date : August 19, 2025.

ORDER (PER : Sharmila U. Deshmukh, J.)

1. The present Petition is filed seeking quashing of F.I.R. bearing C.R. No. 0163 of 2025, dated 4th April 2025, registered with Jail Road Police Station, District Solapur, for the offences punishable under Sections 109, 115(1), 125, 189 (2), 189(4), 190, 191(1), 191(3), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 of the Arms Act, with the consent of Respondent No.2-original complainant.

2. Learned counsel appearing for the parties pointed out the Consent Affidavit dated 28th April 2025 filed by the Respondent No.2-original complainant consenting to the quashing of the F.I.R. bearing CR No. 0163 of 2025. Learned counsel for Petitioners further pointed out the Medico Legal Certificate dated 3rd June 2025, which shows the injuries sustained during the altercation are simple in nature.

3. We have considered the allegations made in the F.I.R. and the consent Affidavit, which are placed on record. From perusal of the F.I.R., it appears that due to previous quarrel between the parties, on the date of incident, there was further altercation. The Medico-Legal Certificates shows that the injuries are simple in nature. The Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab & Another*¹ and *Narinder Singh & Others Vs. State of Punjab & Another*² has held that the inherent power of the High Court is required to be exercised to secure the needs of justice and to prevent abuse of process of the court. The Hon'ble Apex Court has held that, the High Court may quash the criminal proceedings involving non-compoundable offences in view of compromise/settlement arrived at between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.

4. Applying the guidelines laid down by the Hon'ble Apex Court to the facts of the present case, considering the allegations in the F.I.R. and the injury certificate, which shows that the injury sustained are simple in nature, continuation of criminal proceedings would be futile exercise, particularly considering that the matter has been amicably settled between the parties. The nature of allegations would indicate that the possibility of conviction is remote and the continuation of the criminal proceedings would cause prejudice to the parties.

5. In view of the above, the Writ Petition is allowed. The F.I.R. bearing C.R. No. 0163 of 2025, dated 4th April 2025, registered with Jail Road Police Station, District Solapur, for the offences punishable under Sections 109, 115(1), 125, 189 (2), 189(4), 190, 191(1), 191(3), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 of the Arms Act is quashed.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]