

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

CRIMINAL WRIT PETITION NO.419 OF 2025

- | | |
|---|------------------|
| 1. Ramesh Narayan Vaishya, |] |
| Age – 68 yrs., Occ.: Business, |] |
| R/of Flat No.15/16, NIC Area, |] |
| MIDC Solapur, Nashik |] |
| 2. Jitesh Ramesh Vaishya, |] |
| Age – 41 yrs., Occ.: Business, |] |
| R/of Flat No.15/16, NIC Area, |] |
| MIDC Satpur, Nashik |] |
| 3. Prasanna Subhash Saykhedkar, |] |
| Age : 48 yrs., Occ. : Business/Agriculture, |] |
| R/at Plot No.11, Akshayshri Villa, |] |
| Satya Colony, Nashik Industrial Estate, |] |
| Nashik – 422 007. |] .. Petitioners |

Versus

- | | |
|--|------------------|
| 1. The State of Maharashtra, |] |
| Through Satpur Police Station, Nashik, |] |
| Dist. Nashik. |] |
| 2. Smt. Aruna Patil, |] |
| Age : Major, Occ.: Business, |] |
| R/of Oscar C-201, Gangapur Road, |] |
| Nashik, Maharashtra |] .. Respondents |

Mr. Satyajeet P. Dighe, Advocate for the Petitioners.

Mrs. M.M. Deshmukh, Assistant Public Prosecutor for Respondent No.1-State of Maharashtra.

Mr. Ajinkya Jaibhave, Advocate for Respondent No.2.

PSI Manoj Waghmare, Satpur Police Station, Nashik City is present.

**CORAM : SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE : 9TH SEPTEMBER 2025.

Per, Shree Chandrashekhar, C.J. :

This Criminal Writ Petition has been filed by Mr. Ramesh Narayan Vaishya, Mr. Jitesh Ramesh Vaishya and Ms. Prasanna Subhash Saykhedkar seeking quashing of a crime registered with Satpur Police Station within the district of Nashik on 11th June 2019. By a Regular Criminal Case No.438 of 2022, pursuant to

First Information Report No.268 of 2019, the petitioners have been charged for committing the offences punishable under sections 420, 465, 468, 471, 473 r/w section 34 of the Indian Penal Code, 1860 and under sections 24, 25 and 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

2. In connection to the aforementioned crime, a charge-sheet was filed in the Court of 31-12th Joint Civil Judge, Senior Division & Additional CJM at Nashik on 7th April 2022. The petitioners have referred to an order passed in Writ Petition No.4055 of 2019 to submit that on amicable settlement of the dispute between the parties, the proceedings pursuant to Crime No.268 of 2019 should not be proceeded and the same may be quashed by this Court. By an order dated 17th December 2024, Writ Petition No.4055 of 2019 was disposed of in agreed terms between the parties. The order dated 17th December 2024 records that respondent nos.1 and 2 therein, namely, Smt. Aruna Patil and Mr. Priyank Rajendra Pagar handed over three demand drafts aggregating to Rs.2.50 crores and the receipt thereof was acknowledged by the petitioners, namely, Mr. Ramesh Narayan Vaishya, Mr. Jitesh Ramesh Vaishya and Ms. Prasanna Subhash Saykhedkar. Before disposal of the said writ petition, the learned single Judge of this Court admitted the writ petition and had granted interim relief to the accused persons. In the order dated 30th April 2024, it is recorded by the Court that the respondent nos.1 and 2 in Writ Petition No.4055 of 2019, namely, Smt. Aruna Patil and Mr. Priyank Rajendra Pagar had moved the writ Court and made a statement that to protect the interest of the petitioners, the respondent nos.1 and 2 are ready to deposit the entire amount of consideration of the sale deed in the Court within a period of three months. It was in that context that three demand drafts aggregating to Rs.2.50

crores were tendered to the petitioners in the Court on 17th December 2024 by the complainants. In the aforementioned factual scenario, this Court is of the opinion that further proceeding in Regular Criminal Case No.438 of 2022 shall not serve any purpose.

3. Mr. Ajinkya Jaibhave, the learned counsel appearing for the Informant, on instructions, states that the respondents, namely, Smt. Aruna Patil and Mr. Priyank Rajendra Pagar are ready for an amicable settlement of the dispute and have no objection to prayers made by the petitioners in this Criminal Writ Petition.

4. In view of the submissions made on behalf of the learned counsels appearing for the petitioners and Informant and his son, we are inclined to interfere in this matter notwithstanding serious opposition raised by Mrs. M.M. Deshmukh, the learned State counsel.

5. As observed by the Hon'ble Supreme Court in "*B.S. Joshi & Ors. v. State of Haryana & Anr.*" 2003 (4) SCC 675, the Informant may not support his own complaint when a compromise is entered with the accused and the proceedings in a crime registered at his behest may end up as a futile exercise. Mr. Satyajeet P. Dighe, the learned counsel for the petitioners referred to a decision in "*Narinder Singh & Ors. v. State of Punjab & Anr.*" (2014) 6 SCC 466 wherein the Hon'ble Supreme Court observed that the compromise between the parties is a relevant consideration even in cases which are not compoundable in nature under section 320 of the Code of Criminal Procedure. In "*Narinder Singh*" the Hon'ble Supreme Court made the following observations :-

"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 g*

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 the 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 hand, those criminal cases having overwhelmingly and predominantly 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.”*

6. In the result, Criminal Writ Petition No.419 of 2025 is allowed and, consequently, Regular Criminal Case No.438 of 2022

corresponding to First Information Report No.268 of 2019 and all proceedings in connection thereto are quashed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]