

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 635 OF 2025

1) Abdul Mehboob Shaikh	]	
Age – 28 Years, Occu.-Labour,	]	
R/o.-Bavda, Tal.-Khandala,	]	
Dist.-Satara	]	
2) Vikram Vijay Mohite	]	
Age – 28 Years, Occu.-Student,	]	
R/o. - Rath Heritage, Opp.Add Mart,	]	
Deshmukhwadi, Shivane, Pune	]	
3) Rohit Subhash Surve	]	
Age – 28 Years, Occu.- Labour,	]	
R/o.-Kacharewadi, Post – Helgaon,	]	
Satara	]	
4) Dipak Santosh Patne	]	
Age – 22 Years, Occu.-Student,	]	
R/o. - Loni, Dist. - Satara	]	
5) Buvaji Sahdev Hajare	]	
Age – 56 Years, Occu.- Agriculturist,	]	
R/o.-Limbachiwadi, Tal.-Khandala,	]	
Dist. - Satara	]	
6) Akshay @ Vijaykumar Shankar Chavan	]	
Age – 28 Years, Occu.-Labour,	]	
R/o.-Patuil Chowk, Post.-Daflapur,	]	
Tal.-Daflapur, Dist. - Sangli	]	
7) Amit @Birya Ramesh Kadam	]	
Age – 31 Years, Occu.-Labour,	]	
R/o.-Loni, Tal.-Khandala, Dist.-Satara	]	
8) Prashant @ Babu Shankar Gole	]	
Age – 38 Years, Occu.-Agriculturist,	]	
R/o.-Shirwal, Tal.-Khandala,	]	
Dist. - Satara	]	
		... Applicants/ Org. Accused

V/s.

- | | | |
|--------------------------------------|---|---|
| 1) State of Maharashtra |] | |
| [Through Shirwal Police Station, |] | |
| Satara, Vide CR No.263/2024] |] | |
| 2) Riyaz Iqbal Shaikh |] | |
| Age – 38 Years, Occu.-Business/Agri. |] | |
| R/o. - Shirwal, Tal. - Khandala, |] | |
| Dist. - Satara |] | |
| 3) Ayyaz Iqbal Shaikh |] | |
| Age – 42 Years, Occu.-Labour, |] | |
| R/o. - Shirwal, Tal. - Khandala, |] | |
| Dist. - Satara |] | |
| 4) Shahrukh Anis Khan |] | |
| Age – 30 Years, Occu.-Labour, |] | |
| R/o. - Shirwal, Tal. - Khandala, |] | |
| Dist. - Satara |] | |
| 5) Kumar @ Praveen Laxman Mhaske |] | |
| Age – 45 Years, Occu.-Labour, |] | |
| R/o. - Shirwal, Tal. - Khandala, |] | |
| Dist. - Satara |] | ... Respondents/
Respondent No.2-First Informant &
Respondent No.3 to 5 - Victims |

Mr. Priyal G.Sarda a/w. Mr.Shubham S. Sane for Applicants.
 Smt. Savita M. Yadav, A.PP, for Respondent No.1-State.
 Mr.Milind Sanjay Borate, PC, Shirwal Police Station, Satara present.

**CORAM : A. S. GADKARI AND
 RAJESH S. PATIL, JJ.
 DATE : 18th JUNE, 2025.**

PC. :-

- 1) This Application under Section 518 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for quashing of C.R.No. 0263 of 2024

dated 31st July, 2024, registered with Shirwal Police Station, District Satara under Sections 109, 189(2), 191(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (BNS), by the accused therein.

2) Heard Mr. Sarda, learned Advocate for Applicants and Smt. Yadav, learned APP for Respondent No.1-State. Perused record of investigation produced before us.

3) At the outset, Mr.Sarda, learned Advocate for Applicants submitted that, the Applicants are seeking quashing of present crime with the consent of Respondent Nos. 2 to 5. That, the Respondent Nos.2 and 3 are the injured witnesses in the crime. That, there is a case and a cross case between Applicants and Respondent Nos.2 to 5. During the ongoing investigation of the said crimes, the parties herein have decided to put an end to their enmity and to bury their hatchet. He therefore submitted that, present crime may be quashed with the consent of Respondents and in particular Respondent Nos.2 and 3, the injured witnesses.

4) Perusal of record reveals that, the F.I.R. is lodged by the Respondent No.2 on 31st July, 2024. It is the prosecution case that, due to earlier enmity between the Applicants and Respondent No.2, on the date and time of incident, Applicants assaulted Respondent Nos.2 and 3 with iron rod, butt of pistol and sword stick i.e. dangerous weapons. It is alleged that, Applicant No.2 Mr.Vikram Mohite assaulted Respondent No.2 with a gadget/weapon like pistol on his head. The Respondent No.3 was also

assaulted with a weapon like sword stick (gupti) on his right hand. It is categorically stated in the FIR that, all Applicants by forming unlawful assembly, assaulted Respondent Nos.2 and 3 with intent to commit their murder. However, they were not successful as the persons from the vicinity came at the scene of offence at the relevant point of time and therefore the Applicants fled away.

5) Perusal of record of investigation and in particular the injury Certificates, dated 31st July, 2024, issued by the concerned Doctor attached to Dr.Joglekar Hospital, Shirwal, District Satara, clearly mentions that, Respondent No.2 Mr. Riyaz Iqbal Shaikh suffered in all five injuries. Though, the hospital has stated that, injury Nos. 2 and 3 are simple in nature, according to us, those are on vital parts of the body and therefore its terming as 'simple' is doubtful. Respondent No.2 - Mr. Riyaz Iqbal Shaikh has suffered following injuries :-

No.	Injury	Age of Injury	Cause	Nature
1	H/o Alleged assault, by few people, given by pt himself. pt- conscious, oriented, no systemic derangement.			
2	Clw (Lf) parietal region, Y shaped, 8 cm x 3 cm x 2cm., Bone deep, C scalp hematoma	½ hr	Blunt hand object	simple
3	Clw 1 cm x 1 cm x 1 cm (R) hand palmer aspect, at 1 st web space.	½ hr	Blunt hand object	simple
4	Laceration (Lf) hand little finger 2 cm x 1 cm x 1 cm.	½ hr	Blunt hand object	simple

5	Abrasion over (R) knee jt.	½ hr	Blunt hand object	Simple
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5.1) Though, the concerned Doctor, who has issued the said Injury Certificate has opined that Injury Nos. 2 and 3 are simple in nature, it is difficult to accept the same because the dimensions of injury i.e. contused lacerated wound clearly indicates that, it was grievous in nature. It *prima facie* appears that, with a view to lessen the gravity of offence at the instance of Applicants, the said remarks are made.

5.2) The Injury Certificate dated 31st July, 2024, issued in the name of Respondent No.3 – Mr.Ayyaz Iqbal Shaikh, mentions the following injuries :-

No	Injury	Age of Injury	Cause	Nature
1	Pt. himself gave alleged h/o assault by few people, by hand object, from behind. Pt conscious. No systemic derangement			
2	Y shaped CLW over parietal region, scalp deep 8 cm x 2 cm x 2 cm	½ hr	Blunt hand object	simple
3	Bruise, blunt injury (Lt) chest wall, Bruise, 4 cm x 1 cm. Tenderness over 8 th rib CXR shows unicortical # 8 th rib.	½ hr	Blunt hand object	Grievous
4	Contusion (R) shoulder causing reduced movement of abduction shoulder Xray shows no #	½ hr	Blunt hand object	simple

5.2.1) Though the concerned doctor of the said Hospital has termed injury No.2 as simple in nature, *prima facie* it appears to us that, the said

injury is grievous in nature, however for the reasons best known to the concerned Doctor, it is stated as simple.

5.3) There are other attending circumstances of evidence on record which clearly indicates the role played by Applicants in the present crime.

6) The Hon'ble Supreme Court in case of *Gian Singh vs. State of Punjab & Anr.*, 2012 reported in (10) SCC 303, in Paragraphs Nos. 57 and 58 has held as under :-

57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

58. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although the offences are not compoundable, it does

so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under [IPC](#) or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be

defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

7) After applying the ratio laid down by the Hon'ble Supreme Court in the case of *Gian Singh* (supra) to the facts of the case in hand, we are of the considered view that, this is not a fit case for quashing of crime, even by consent of Respondent Nos.2 and 3.

8) Application is accordingly dismissed.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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