



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1555 OF 2024
IN
CRIMINAL APPLICATION (APL) NO.728 OF 2022

Duryodhan Shaligram Hendaskar and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station Pinjar,
District Akola and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajas P. Durge, Advocate for applicants.
Mr. A. G. Mate, APP for non-applicant No.1/State.
Mr. J. B. Gandhi, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 18/12/2025

1. This is an application by the applicants seeking permission to carry out the amendment.
2. Learned counsel for the applicants states that since the matter has been settled mutually, he only seeks the amendment of the prayer clause. The application is therefore allowed.
3. The amendment in the prayer clause to be carried out forthwith.
4. The Criminal Application (APPP) No.1555/2024 is disposed of.

CRIMINAL APPLICATION (APL) NO.728 OF 2022

1. By this application, the applicants are seeking quashing of the First Information Report (for short 'FIR') in connection with Crime No.322/2021 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 143, 147, 324, 354, 506 of the Indian Penal Code (for short 'IPC') and under Section 3(2)(va), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

2. The crime is registered on the basis of a report lodged by the informant namely Vishranti Vijay Pande against all the applicants on an allegation that on 03.11.2021 at around 11.00 a.m. to 12.00 noon, she was working in the field along with her husband Vijay Pande and they were working in their agriculture field. At that time, the applicant No.1 picked the quarrel on the issue of boundary of agriculture land and caught hold of her husband and assaulted her husband, therefore, he has sustained the grievous injuries. It is further alleged that all the applicants formed the unlawful assembly and in furtherance of the common object of that assembly, assaulted her husband, due to which her husband has sustained the grievous injuries. It is further alleged that she was also assaulted by the applicants and the injured was also assaulted by fist and kick blows. On the basis of the said report, police have registered the crime against the present applicants. During the investigation, the Investigating Officer has recorded the relevant statements of the witnesses,

collected the injury certificate and after completion of the investigation submitted the charge sheet against the applicants.

3. During the pendency of this application, the informant and the present applicants arrived at a settlement regarding the said incident. The cross-complaint is also filed and crime is registered vide Crime No.319/2021 for the offence punishable under Sections 326, 504 and 506 of IPC and the consequent proceeding arising out of the same bearing RCC No.270/2022.

4. Heard learned counsel for the applicants, who submitted that the applicants and the non-applicant No.2 both are from the same village, there was a dispute between them on the boundary of the agriculture field and due to the said dispute, there was a scuffle between both the parties and the witnesses of the both sides have sustained the injuries. Now they have decided to settle the dispute to maintain the peace and harmony in both the families. As far as the injuries are concerned, the injured Vijay Pande has sustained the simple injuries. He is present before the Court and he has shown his willingness to withdraw the allegations. In view of that, the applicants be permitted to settle the dispute and the FIR lodged against them deserves to be quashed.

5. Per contra, learned APP strongly opposed for the same on the ground that the offences alleged are non-compoundable one, and therefore, the application deserves to be rejected.

6. On the contrary, learned counsel for the non-applicant No.2 supported the said contention and submitted that as they are from the same village and considering the injuries sustained by the injured are simple one, they want to maintain the harmony in both the families and therefore, the application deserves to be allowed.

7. In support of the contention, learned counsel for the applicants and the learned counsel for the non-applicant No.2 placed reliance on the decision of **Ramgopal and another Vs. State of Madhya Pradesh with Krishnappa and others Vs. State of Karnataka** reported in **(2022) 14 SCC 531** and **Naushey Ali and others Vs. State of Uttar Pradesh and another** reported in **(2025) 4 SCC 78**.

8. On hearing both sides and on perusal of the investigation papers, it reveals that admittedly, the alleged incident has occurred due to the dispute between the two parties on account of the boundary of the agriculture land. From the recitals of the FIR, it reveals that there was a scuffle between the applicants and the husband of the non-applicant No.2 and in that scuffle, the husband of the non-applicant No.2 has sustained the injuries. The injury certificate is on record which shows that the injuries are on non vital part and i.e. also simple injuries. The contents of the settlement are verified from the injured i.e. Vijay Pande, who is present before the Court.

9. Admittedly, the offences registered against the present applicants are non-compoundable one. Legal position

as to exercise of inherent powers by the High Court while quashing of criminal proceedings or the conviction for non-compoundable offences, on the ground that there is a settlement/compromise between the victim and the offender, can be summarised as under:

(1) *That the power conferred under Section 482 Cr.P.C. to quash the criminal proceedings for the non-compoundable offences under Section 320 Cr.P.C. can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*

(2) *Such power is not to be exercised in those prosecutions which involved 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;*

(3) *Similarly, such power is not to be exercised for the offences under the special statutes 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;*

(4) *While exercising the power under Section 482 Cr.P.C. to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had*

managed with the complainant to enter into a compromise, etc.

10. The further observation of the Hon'ble Apex Court is that the offences which are "non-compoundable" cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of "compoundable" offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

11. It is further observed that the High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an

individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

12. In para No.10 of this judgment, the Hon'ble Apex Court has referred the judgment of **State of M.P. vs. Laxmi Narayan & Ors.** reported in **(2019) 5 SCC 688** and elaborated:

"15. ...15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2 Such power is not to be exercised in those prosecutions which involved 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;

15.3 Similarly, such power is not to be exercised for the offences under the special statutes 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;

15.4..

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in

nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

13. In view of the above guidelines issued by the Hon'ble Apex Court and principles laid down and by applying the same to the present case, it appears to us that the criminal proceedings involving is non-heinous offences and between the agriculturist there are no criminal antecedents against them and the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that now they have already settled the dispute between themselves amicably. Admittedly, the scuffle took place on account of the dispute on boundaries. Now they have already decided to settle the said dispute and therefore, no purpose would be served by asking them to face the trial. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice.

14. Herein the present case the applicants are further charged for the offence punishable under Sections 3(1)(w)(i) (ii) and 3(2)(va) of the Act of 1989. On perusal of the investigation papers, it reveals that the allegation is only to the

extent of referring the caste of the informant. Now this aspect is also considered by the Hon'ble Apex Court in the case of **Shajan Skaria Vs. The State of Kerala and another in Criminal Appeal No.2622/2024 decided on 23.08.2024**, wherein it is held that all insults or intimidations to a member of the Scheduled Caste or Scheduled Tribe will not amount to an offence under the Act, 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe. It is further held that it is not the purport of the Act, 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would attract Section 3(1)(r) of the Act, 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe. It is further observation of the Hon'ble Apex Court that we say so because the object behind the enactment of the Act, 1989 was to provide stringent provisions for punishment of offences which are targeted towards persons belonging to the SC/ST communities for the reason of their caste status.

15. In view of the above observation of the Hon'ble Apex Court, here only reference is to the extent of caste as far as the abuses are concerned, there is no specific allegation or the abuses mentioned in the FIR. Considering now the parties have settled the dispute therefore, the application deserves to

be allowed. However, at the same time, considering the both parties have set the criminal law in motion by indulging themselves in a scuffle by taking the law in their hands and the investigating agency has also spent the time to investigate the crime as well as the Court has also spent the time in adjudication of the said proceedings, and therefore, the application deserves to be allowed subject to the costs of Rs.25,000/-. The cost be paid to the Nagpur Police Welfare Fund. Therefore, we proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.322/2021 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 143, 147, 324, 354, 506 of the Indian Penal Code and under Sections 3(2)(va), 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the consequent proceeding arising out of the same bearing Atro. Special Case No.120/2024 are hereby quashed and set aside to the extent of the present applicants.

(iii) The order will come into effect after the compliance of the order i.e. after payment of costs.

The application is disposed of.

(NANDESH S. DESHPANDE, J) (URMILA JOSHI-PHALKE, J)