



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.1103 OF 2023

[Karan Jagapal Jadhav and Others ..Vs.. State of Maharashtra and Another]

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

Court's or Judge's order

Mr Y. P. Bhelande, Advocate for Applicants.
Ms S. S. Dhote, Addl. P. P. for Non-Applcant/State.
Mr Y. P. Kashikar,, Advocate for Non-Applcant No.2.

CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.

DATE : **12th NOVEMBER, 2025.**

. Heard.

2. The present application is preferred under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the First Information Report in connection with Crime No.367 of 2023 registered under Sections 143, 147, 148, 324, 323, 504 and 506 read with Section 149 of the Indian Penal Code, 1860.

3. The crime is registered on the basis of a report lodged by Rajesh Sumir Singh Chauhan on an allegation that he is working as a contract labour in Amravati Municipal Corporation. On 22.07.2023, a dispute took place with co-workers namely Suresh Jadhav, Naresh Jadhav, Pankaj Jadhav and Bhungu Rathod i.e. the present applicants. However, since they were known to each other, he has not lodged a report against them. On 23.07.2023 at about 8:30 am when, he was sitting in front of his house, Suraj and Amar came in front of his house and Amar Karan Jadhav having wooden

stick in his hand assaulted him due to the previous dispute between them. Said Amar assaulted him on his back whereas, Suraj has assaulted him by means of steel kara (iron bracelet) on his face and slapped him. On the basis of the said report, police have registered a crime against the present applicants.

4. During pendency of this application, both the parties have arrived at a settlement because the complaints are filed against each other and it is submitted that due to the altercation between them, the alleged incident has taken place. Now, they have decided not to proceed with the criminal proceedings and therefore, the application is filed for quashing of the criminal proceedings arising out of FIR in connection with crime No.367 of 2023.

5. Learned Additional Public Prosecutor strongly opposed for the same and stated that considering the allegations levelled against the present applicants, the applicants were members of the unlawful assembly and in pursuance of the common object, they assaulted the informant and therefore, the application deserves to be rejected.

6. Considering the amicable settlement between the parties, the parties were referred to the Registrar (Judicial) to verify the contents and genuineness of the settlement terms as well as the identity of the parties. The report of the Registrar (Judicial) is before the Court who submitted that both the parties were arrived before me and the settlement terms which was taken place in front of a Mediator was before me and he submitted that the contents and genuineness of the settlement terms are also verified by me.

7. On perusal of the application and the investigation papers, there is no dispute that the alleged incident has taken place due to the altercation between the applicants and the non-applicant No.2. As far as the weapons of the offence are concerned which are used are the wooden stick and steel kara (iron bracelet). In the said incident, both the parties have sustained injuries. Now, the parties have decided to settle the dispute. When the parties have reached the settlement and on that basis an application for quashing of the criminal proceedings is filed.

8. In view of the decision of the Hon'ble Apex Court in the case of *State of Madhya Pradesh vs. Laxmi Narayan*, reported in 2019 (1) Crimes 231 wherein, the Apex Court has observed that "the guiding factor in such cases would be to secure the ends of justice or to prevent abuse of the process of any court". It is further held by the Apex Court that "such power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape and 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 servant while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender".

9. In para No.13, the Hon'ble Apex Court by considering the catena of decisions and the law on the point and the other decisions

of this Court observed and held as under:

“i) 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;

ii) 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;

iii) similarly, such power is not to be exercised for the offences under the special statutes like 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;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High

Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) 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 impart 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. In so far the present case is concerned, the weapons which were used are the sticks. The injury sustained by the injured are also not serious in nature. Now, the parties have already settled the dispute. In view of that the allegations which are not serious in nature and the dispute is also of private nature, the application deserves to be allowed. Accordingly, we proceed to pass the following order :

ORDER

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

ii) The First Information Report in connection with Crime No.367 of 2023 registered under Sections 143, 147, 148, 324, 323, 504 and 506 read with Section 149 of the Indian Penal Code, 1860, is hereby quashed and set aside to the extent of the present applicants.

11. The application is disposed of in the above said terms.

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