



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

CRIMINAL APPLICATION (APL) NO.1113 OF 2025

[Rajesh Sumershing 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. Kaslikar, Advocate for the Applicants (thr V.C.).
Ms S. S. Dhote, Addl. P. P. for Non-Applcmt/State.
Mr Y. P. Bhelande, Advocate for Non-Applcmt No.2.

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

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

. Heard.

2. The present application is preferred by the applicants for quashing of the First Information Report in connection with crime No.368 of 2023 registered under Sections 143, 147, 148, 324, 323 read with Section 149 of the Indian Penal Code, 1860.

3. The crime is registered on the basis of a report lodged by Suraj Karan Jadhav on an allegation that on 23.07.2023 at about 8:30 am when, he alongwith his aunt and his younger brother proceeding towards agricultural field, the applicants met him and there was altercation between them. Applicant – Rajesh Jadhav has assaulted on the person of his brother by means of stick and when his aunt intervened the quarrel, she was also assaulted by the applicants. On the basis of the said report, police have registered the crime against the present applicants.

4. During investigation, the investigation officer has recorded the statements of various witness and filed a charge-sheet. Therefore, applicants are seeking quashing of the First Information Report as well as the consequent charge-sheet bearing No.120 of 2023.

5. During pendency of the application, both parties have settled the dispute amicably. The parties were referred to the Registrar (Judicial) who has verified the contentions of the settlement and also genuineness as well as the identities of the parties and submitted a report.

6. Learned counsel for the applicants who appeared through video conferencing submitted that as there is an amicable settlement, moreover, the offence is not of a serious nature and therefore, the application deserves to be allowed and the First Information Report deserves to be quashed in view of the settlement.

7. Learned Additional Public Prosecutor strongly opposed for the same and submitted that considering the gravity of the offence as the applicant is the member of unlawful assembly, the application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire investigation papers as far as the involvement of the present applicants are concerned, admittedly, there are cross complaints were filed against each other. However, during the pendency of this application, both the parties have arrived at a settlement. The 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. Under Section 482 of the Code, this 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. The Hon'ble Apex Court in the case of *State of Madhya Pradesh vs. Laxmi Narayan*, reported in *2019 (1) Crimes 231* wherein, it has observed that 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 the ends of justice or to prevent abuse of the process of any court.

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 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. In so far as the present case is concerned, admittedly, no serious injuries are sustained by the injured. Both the parties have sustained injuries which are simple in nature. Now, they have decided to amicably settle the dispute. The weapons used are also not of a nature which would term as deadly weapons. In view of that the application deserves to be allowed as the allegations are not seriously in nature. Considering the nature of the offence and the amicable settlement between the parties, 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.368 of 2023 registered under Sections 143, 147, 148, 324 and 323 read with Section 149 of the Indian Penal Code, 1860 and the consequent charge-sheet No.120 of 2023 are 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.)