



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

CRIMINAL APPLICATION (APL) NO.1935 OF 2025

Vijay Dashrath Pande 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. J. B. Gandhi, Advocate for applicants.
Mr. A. G. Mate, APP for non-applicant No.1/State.
Mr. R. P. Durge, Advocate for non-applicant Nos.2 & 3.

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

1. Present application is preferred by the applicants for quashing of the First Information Report (for short 'FIR') in connection with Crime No.319/2021 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 326, 504 and 506 read with Section 34 of the Indian Penal Code (for short 'IPC') and the consequent proceeding bearing out of the same bearing RCC No.270/2022.

2. The applicants are arraigned as an accused on the basis of a report lodged by the informant Vinod Duryodhan Hendaskar on an allegation that his land is adjacent to the land of the present applicants and on the day of incident i.e. on 03.11.2021 when his father was working in the agriculture field the present applicants have raised the quarrel on account of the boundary and assaulted his father, due to the assault his

father has sustained the grievous injuries on his hand as well as the simple injury on his head and other parts of the body. On the basis of the said report, police have registered the crime against the present applicants.

3. During the pendency of this application, both parties have arrived at a settlement on the ground that they are the neighbours from the same village and to maintain the peace and harmony in the two families, they arrived at a settlement and therefore, the FIR and consequent proceedings be quashed against them.

4. Heard learned counsel for the applicants, who reiterated the said contentions and submitted that though offence is registered under Section 326 of IPC, however, offence under Section 326 of IPC is not made out as one injury is grievous which is also on non-vital part of the body and other two injuries are simple in nature. There is nothing on record to show that any deadly weapon was used by the present applicants to assault. The scuffle took place on account of the dispute on boundary of the agriculture field and cross-complaints are filed. He submitted that they wants to maintain the relationship between the two families and from the one village, they be permitted to settle the dispute.

5. Learned counsel for the non-applicant Nos.2 and 3 also supported the said contentions and submitted that now both parties have already settled the dispute. In view of that, the application deserves to be allowed.

6. Learned APP strongly opposed for the same on the ground that offence is of a serious nature for which the punishment which may extend up to the life imprisonment is provided and therefore, the application deserves to be rejected.

7. Learned counsel for the applicants 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 father of the non-applicant No.2 and in that scuffle, his father has sustained the grievous injuries on his hand as well as the simple injury on his head and other parts of the body. The contents of the settlement are verified from the injured i.e. Duryodhan Hendaskar, 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. On perusal of the entire recitals of the FIR and the charge sheet it reveals that the dispute arose on account of boundary of the agriculture field. Admittedly, the dispute is of a private in nature. The injury sustained Duryodhan is also on a non-vital part of the body which is grievous injury, other two

injuries are simple injuries. Considering the observation of the Hon'ble Apex Court in the judgment of **Ramgopal and another Vs. State of Madhya Pradesh with Krishnappa and others Vs. State of Karnataka** (supra) wherein all these aspects are considered and considering the dispute is of a private nature and they have already amicably settled the same to maintain the peace and harmony, no purpose would be served by forcing them to face the trial it would be abuse of the process of law. This aspect is also considered in the case of **Naushey Ali and others Vs. State of Uttar Pradesh and another** (supra) wherein the reference of the earlier judgment of **Laxmi Narayan** (supra) is given. It is also held that mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries are inflicted on the vital/delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of chargesheet/framing of charges or during the trial.

15. Here in the present case, the weapon like sickle is used which is an agriculture equipment. There are no criminal antecedents as far as the applicants are concerned. The nature of injuries i.e. the injury on non-vital part of body i.e. hand, is grievous injury, whereas the injuries on the vital part i.e. on head are the simple injuries, and therefore, in view of

the observations of the Hon'ble Apex Court mere mentioning of Section 326 would not be sufficient to say that Section 326 would be attracted. Therefore, considering the nature of the injuries especially grievous injuries on non-vital part of the body, the charge sheet is already filed. The entire material collected during the investigation is also perused and considering the nature of the dispute between both the parties, the application deserves to be allowed.

16. However, considering that the valuable time of the investigating agency was spent on investigation as well as the valuable time of the Court is also spent on the adjudication of the proceeding, and therefore, the application deserves to be allowed subject to the costs of Rs.25,000/-. In view of that, we proceed to pass following order:

ORDER

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

(ii) The First Information Report in connection with Crime No.319/2021 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 326, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.270/2022 pending before the learned Judicial Magistrate First Class, Barshitakli, are hereby quashed and set aside to the extent of the present applicants, subject to the costs of Rs.25,000/- [Rs. Twenty Five Thousand].

(iii) The cost be paid to the High Court Legal Services Sub-Committee, Nagpur.

(iv) 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)