



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

CRIMINAL APPLICATION (APL) No.224 OF 2025

1. Shri Surjeetsingh s/o. Chanansingh Mann,
Aged about 68 years,
Occupation : Business,
R/o. Flat No.602, Ridhi Sidhi Apartment,
Hindustan Colony, Amravati Road,
Nagpur.
2. Shri Jagmohansingh s/o. Rashpalsingh Dhillon,
Aged about 36 years,
Occupation : Business,
R/o. 107, Baba Deepsingh Nagar,
Uppalwadi, Nagpur. : APPLICANTS

...VERSUS...

1. State of Maharashtra,
Through Officer in-charge of Police Station
Jaripatka, Nagpur-440 014.
2. Shri Amit s/o. Maganlal Panchmatiya,
Aged about 50 years,
Occupation : Business,
R/o. Plot No.44, Ramdaspath,
Nagpur. : RESPONDENTS

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Mr. Yohan Chougule, Advocate for Applicants.
Mrs. H.N. Prabhu, Additional Public Prosecutor for Respondent No.1.
Mr. Dhruv Sharma, Advocate for Respondent No.2.

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

RESERVED ON : 17th OCTOBER, 2025.

PRONOUNCED ON : 10th NOVEMBER, 2025.

JUDGMENT : (Per : Nandesh S. Deshpande, J.)

1. Heard. Admit. Heard finally by consent of learned counsel appearing for the parties.

2. The applicants have approached this Court by filing present application seeking quashing of First Information Report No.107/2011, dated 06.04.2011, registered with Police Station Jaripatka, Nagpur for the offences punishable under Sections 147, 148, 149, 447, 448, 294 read with Section 506B of the Indian Penal Code and Sections 3 and 4 of the Arms Act as also Section 135 of the Bombay Police Act. The applicants further prayed for quashing of the Charge-sheet/Final report bearing No.232/2011, dated 24.12.2011, which is pending before the 21st Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur.

3. As per the contents of the said First Information Report lodged at the behest of respondent No.2, he received a call at around 9.30 a.m. from one of his workers, namely, Kamlesh stating that about 22 to 25 people have entered the property owned by the respondent No.2 and are abusing the workers, and are further threatening them of death. On hearing this, the respondent No.2/First Informant approached the Police Station Jaripatka, Nagpur and lodged the First Information Report. After receipt of

the said report, the Police along with respondent No.2 went on the spot of incident and found crowd of about 20 to 25 people gathered on the property. On further search Police found two swords, one axe and one gun, which was twelve bore double-barreled gun over the property. It is, therefore, alleged that the present applicants along with other persons forcibly entered the property of respondent No.2, thereby abusing and threatening to kill his workers and attempted to take illegal possession of the said property. It is this first information report which is being challenged in the present application.

4. We have heard Mr. Yohan Chougule, learned counsel for the applicants, Mrs. H.N. Prabhu, learned Additional Public Prosecutor for the respondent No.1 and Mr. Dhruv Sharma, learned counsel for the respondent No.2.

5. Learned counsel for the applicants states that the applicants are businessman within the city of Nagpur as also the respondent No.2 is also in the same profession. It is further stated that the applicants and respondent No.2 have filed numerous cases with respect to ownership, possession and partition of the property mentioned in the First Information Report and various civil suits are also pending regarding the same. Lastly, it is submitted that the

applicants and respondent No.2 have amicably settled the dispute and have further agreed to avoid any further litigation with respect to the property and for the said purpose have executed a legal and binding compromise deed to bring an end to all disputes mentioned in the property.

6. Learned Additional Public Prosecutor, however, opposed the said submission and states that the offences complained of are non-compoundable in nature and arms being found on the property, a seriousness is involved in the said and, therefore, it would not be a fit case to quash the First Information Report and the consequent Charge-sheet. Mr. Dhruv Sharma, learned counsel for the respondent No.2, however, supports the contentions made by the learned counsel for the applicants.

7. In view of the fact that the parties have settled the matter, this Court vide order dated 15.10.2025 directed them to appear before the Registrar (Judicial) on 16.10.2025 and requested the Registrar to identify the contents of settlement deed as also the identity of the parties. Pursuant to the said order, the Registrar (Judicial) has submitted a report on 16.10.2025. The said report is on record and marked as 'X' for identification. We have perused the said report as also the Compromise Deed placed on record which is

at Annexure-E. The respondent No.2 has also filed an affidavit in support of said Compromise Deed and the para Nos.2 and 3 of the affidavit read as under :

“(2) I state that I have now amicably settled the matter with the Applicants in view of the Compromise Deed/Final Settlement Deed dated 09.11.2024 annexed to the application as Annexure-E.

(3) In view of the Compromise Deed/Final Settlement Deed, I state that I have no objection if the F.I.R. No.107/2011 dated 06.04.2011 (Annexure-C) alongwith Chargesheet filed therein is quashed.”

8. In view of this, it can be safely said that the matter has been compromised between the parties.

9. True, it is that offences under Sections 147, 148, 149 and 294 of the Indian Penal Code and Section 25 of the Arms Act are non-compoundable in nature. It can, however, be said that the parties to the litigation out of their own violation and free will have decided to settle the matter and the offences are pre-dominantly private in nature. Even though arms have been recovered from the property, it is not even the prosecution's case that the arms were used during the commission of offence, nor they have been recovered from the applicants. The question that the offences even though non-compoundable in nature whether can be quashed by this Court by resorting to powers under Section 482 of the Criminal

Procedure Code (Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) is no more *res integra*. A beneficial reference can be made to the judgment of this Court in the case of **The State of Madhya Pradesh Vs. Laxmi Narayan and others**, reported in (2019) 2 SCR 864, wherein the Hon'ble Apex Court referring that earlier judgment in **Gian Singh Vs. State of Punjab and another**, reported in 2012(10) SCC 303 in para 9.2 stated as under :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of

Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In that view of the matter, we have no hesitation to reach to a conclusion that in view of the fact that the matter has

been settled by the parties to bring an end to the enemies between them, continuance of prosecution would be an empty formality and travesty of justice. The situation would, therefore, fall within the parameters of celebrated judgment of **State of Haryana and others Vs. Bhajan Lal and others**, reported in **1992 Supp (1) SCC 335**, as the prosecution would amount to abuse of process of Court.

11. However, we cannot lose sight of the said that the entire Police machinery was made to work at the behest of the applicants and respondent No.2. The Police have investigated the matter and filed the charge-sheet, it would be, therefore, necessary to impose costs on the applicants as also respondent No.2. We, therefore, pass the following order :

ORDER

- (i) The application is allowed.
- (ii) First Information Report No.107/2011, dated 06.04.2011, registered with Police Station Jaripatka, Nagpur by the respondent No.2 against the applicants for the offences punishable under Sections 147, 148, 149, 447, 448, 294 read with Section 506B of the Indian Penal Code and Sections 3 and 4 of the Arms Act as also Section 135 of the Bombay Police Act, as also the Charge-sheet/Final Report No..232/2011 dated 24.12.2011 culminating into Regular Criminal Case No.303578/2011, pending

before the 21st Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur is quashed and set aside.

(iii) Application is allowed subject to payment of costs of Rs.25,000/- by the applicant Nos.1 and 2 and payment of costs of Rs.25,000/- by the respondent No.2. The applicants and respondent No.2 to pay costs to the Chief Minister Relief Fund and compliance of the order be submitted within two weeks from today to this Court.

(iv) The application is disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)