



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2451 OF 2024

Suyog @ Rishikesh Dinesh Patil & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. J. V. Patil, Advocate for Applicants.
Mrs. P. V. Diggikar, APP for the State.
Mr. Fayaz Patel, Advocate for Respondent No. 2.

WITH
CRIMINAL APPLICATION NO. 1682 OF 2025

Sushil Suresh Solanke Alias Salunkhe
& others Applicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. J. V. Patil, Advocate for Applicants.
Mrs. P. V. Diggikar, APP for the State.
Mr. Fayaz Patel, Advocate for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 13th JANUARY, 2026.

PER COURT :

1. Since both the Applications are preferred seeking quashing of criminal proceeding arising out of same First Information Report, they are taken together for hearing.

2. Both these Applications are filed invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the First Information Report bearing Crime No. 15/2018 dated 09.03.2018 registered with Savda Police Station, Tq. Raver, Dist. Jalgaon for offences punishable under Sections 307, 143, 146, 147, 148, 149 of the Indian Penal Code and Sections 37(1)(3), 135 of Maharashtra Police Act.

3. The brief facts leading to Criminal Application can be narrated as under :-

On 09.03.2018 informant had been to Garbardi dam along with his sister Yadnya and her friend Mohini. At about 11.30 am, co-accused Devendra Salunke and Kilesh @ Lakhan Patil came there and caught hold hands of Yadnya and Mohini. The informant gave understanding to them. Later on, at about 2.00 pm, when the informant was at Kanhai Juice Center, the accused alongwith Applicants herein came there on motorcycle. They abused the informant and assault him with kicks and fists blows. When one Govind Choudhari tried to video shoot the aforesaid incident in his mobile phone, the Applicants herein assaulted him with kicks and fists blows. Applicants Sushil Salunke and Sohan Koli took iron rod

from the nearby shop and assaulted Govind Choudhari on his forehead. Applicant Sohan Koli assaulted Vishal Mahajan with the help of iron chain on his head. The informant thereafter lodged First Information Report against the Applicants.

4. Learned Counsel for Applicants and the learned Counsel for Respondent No. 2/Informant submit that the parties have reached a mutual compromise and have amicably settled the dispute. It is further submitted that the unfortunate incident has occurred between the parties during their schooling days and have agreed not to repeat the same offence in the future. Reliance is placed on the following judgments :-

- (i) Narindar Singh vs. State of Punjab
2014(2) MLJ (Cri) 365.
- (ii) Sandip Pandurang Bawale vs. State of Maharashtra
2023 DGLS (Bom.) 133

5. Perusal of the record indicates that the Applicants had allegedly formed an unlawful assembly and attacked present Respondent by using iron rod and other weapons which has resulted

into injuries. Consequently, the First Information Report was lodged against the Applicants.

6. The parties have now mediated the issue and unanimously have agreed to settle the dispute and foster harmonious relations. Accordingly, the Applicants have filed these Applications in order to quash the proceedings. The said aspect is affirmed by Respondent No. 2 by producing an affidavit-in-reply on record that effect.

7. At this juncture, it would be apt to reproduce the observations rendered by the Hon'ble Supreme Court in case of Narinder Singh (supra) as under :-

“28. Having said so, we would hasten to add that though it is a serious offence as the accused person attempted to take the life of another person/victim, at the same time, the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 Indian Penal Code as well. Therefore, only because FIR/Charge-sheet incorporates the provisions of Section 307 Indian Penal Code would not, by itself, be a ground to reject the petition under Section 482 of the Code and refuse to accept the settlement between the

parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 Indian Penal Code, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 Indian Penal Code were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.

8. Similarly, in the case of Sandip (supra) this Court has reiterated and followed with the issue of quashing the non-compoundable offences while exercising powers under Section 482 of the Code of Criminal Procedure.

9. In view of the aforesaid facts and precedents, it is evident that the parties have reached an amicable settlement and have decided to maintain a cordial relationship. The continuance of proceedings

would definitely lead to abuse of process of law. Hence, I am inclined to exercise inherent powers under Section 482 of Code of Criminal Procedure to meet the ends of justice.

10. In the process, the entire State machinery has been misused by the Applicants/Accused and Respondent No. 2 causing abuse of due process of law. Thus, in my considered opinion, the Applications warrant consideration subject to payment of cost by the litigating parties.

11. Hence, the following order :-

ORDER

- (i) Both the Applications are allowed.
- (ii) First Information Report bearing Crime No. 15/2018 dated 09.03.2018 registered with Savda Police Station, Tq. Raver, Dist. Jalgaon for offences punishable under Sections 307, 143, 146, 147, 148, 149 of the Indian Penal Code and Sections 37(1)(3), 135 of Maharashtra Police Act is quashed and set aside qua the present Applicants.
- (iii) Present Applicants and Respondent No. 2 shall deposit an amount of Rs. 10,000/- each with the Government Cancer Hospital, Chhatrapati Sambhajanagar alongwith a joint undertaking to that effect to be filed

before the learned Registrar (Judicial) within a period of four weeks from today.

(iv) The parties are also directed to state in the joint undertaking that they will maintain cordial relations with each other and would not cause any further conflict.

(v) Needless to state, non-compliance of aforesaid directions shall result into recall of this order without further reference to the Court.

(SACHIN S. DESHMUKH, J.)

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