

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 CRIMINAL APPLICATION NO. 3792 OF 2024

KISHOR @ KISAN SITARAM WADPALLI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicants : Mr. Aadil Shaikh h/f. Mr. R.V. Gore
APP for the respondent – State : Mr. S.N. Morampalle
Advocate for respondent no. 2 : Mr. Kedar A. Pathade
...

CORAM : RAJNISH R. VYAS, J.

DATE : 26 MARCH 2026

PER COURT :

Heard.

2. The challenge in this application is to registration of FIR bearing Crime No. 319 of 2021 dated 07.10.2021 at Vasmat Police Station, District - Hingoli for the offences punishable under section 307, 323, 504, 427, 506, 34 of the Indian Penal Code and section 4/25 of the Arms Act, consequent filing of the chargesheet and Regular Criminal Case No. 48 of 2023. Present applicants are the original accused no. 2 and 3. Non applicant no. 2 is the informant.

3. In short, it is the case of the complainant that on 06.10.2021, at about 9.00 pm, he along with his friend Shaikh Anvar Shaikh Babu had been to the beer shopee of applicant no. 3 where one person also arrived. They had been to the beer shopee in order to see

whether their friend Syed Samir Syed Akbar was at the beer shopee and when enquired about Syed friend of applicant no. 3, replied in negative. At that time, friend of the informant by name Anvar ordered the bottle of beer which they consumed at the same place. One person standing near a counter was wearing a black shirt and he was staring at the informant and his friend.

4. When the amount of bill was asked by the informant and his friend, said person wearing black shirt disclosed that it is Rs.420/-. The said person had asked informant as to why the entire amount is not paid and then started hurling abuses. Hearing the shouts, owner of beer shopee i.e. applicant no. 3 so also applicant no. 2 came and took out the beer bottle and assaulted Anvar on his head. Likewise, the person who was standing near the counter, had beaten by means of stick. The informant was assaulted on his right shoulder and waist due to which he sustained blunt trauma.

5. The FIR further show that when the informant and injured were returning, applicants no. 1, 3 and the person who was wearing black shirt, by means of sword gave repeated blows on the head of Anvar. Further, applicant no. 1 – Kishor, by using sword, caused damage to the vehicle of the informant.

6. It is in this background, criminal law was set in motion and during the course of investigation, the present applicants came to be

arrested. At the instance of applicant – Kishor, sword was seized by taking recourse to section 27 of the Indian Evidence Act.

7. After filing of the chargesheet, the parties have arrived at a compromise and accordingly have filed compromise purshis dated 26.03.2026. Said compromise purshis is duly signed by the applicants as well as the counsel for the applicants and the injured, informant and counsel for the injured and informant. The terms of compromise are duly supported by an affidavit. Report of the Registrar (Judicial) of this Court dated 26.03.2026 also states that parties have admitted document as true and correct.

8. Both the counsels have submitted that it was due to misunderstanding, the FIR came to be lodged and they decided to reside happily and peacefully and, therefore, terms of compromise are filed. Both of them thus requested this Court to quash the proceedings.

9. With the help of respective counsels, I have gone through the record of the case.

10. It is made clear that the quarrel was not pre-meditated and took place at the spur of the moment. It is case of the prosecution that with the help of sword, injuries were caused to Anvar. Medical papers / injury certificate shows that the injuries were simple in nature. Though, causing of injuries is not a *sine qua non* for proving the offence

punishable under section 307 of the Indian Penal Code but same can be one of the factors for deciding whether the criminal prosecution can be quashed on the basis of compromise or not.

11. Hon'ble Apex Court in the case of ***Narinder Singh and others Vs State of Punjab and others*** reported in **(2014) 6 SCC 466** has categorically stated that offence under section 307 of the Indian Penal Code can be quashed considering the nature of offence, criminal antecedents, injury sustained and the fact whether the offence was outcome of mental depravity.

12. Since the applicants have filed compromise terms and shown their willingness to settle the dispute and considering the nature of injuries, I am inclined to quash the present proceeding.

13. At this stage, both the learned counsels submit that they are willing to deposit a total amount of Rs.75,000/- (Rs.Seventy Five Thousand) in High Court Legal Services Sub-Committee at Chhatrapati Sambhajinagar on or before the next date.

14. Stand over to **30 March 2026**, first on board.

[RAJNISH R. VYAS]
JUDGE

arp/