



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 306 OF 2023
WITH APPLN/1501/2023 AND APPLN/2972/2025 IN APEAL/306/2023

1. Ganesh Baban Nimse
Age: 32 years, Occu.: Agri.,
2. Subhash Trimbak Nimse
Age: 67 years, Occu.: Agri.,
3. Macchindra Subhash Nimse
Age: 37 years, Occu.: Agri.,
4. Jalindar Subhash Nimse
Age: 32 years, Occu.: Agri.,
5. Jitendra Shivaji Nimse
Age: 26 years, Occu.: Agri.,
6. Nanda Sunil Nimse
Age: 48 years, Occu.: Agri.,
7. Shivaji Sonyabapu Nimse
Age: 47 years, Occu.: Agri.,

All R/o Nimse Vasti, Walunj,
Tq. & Dist. Ahmednagar

..APPELLANTS

VERSUS

State of Maharashtra

..RESPONDENT

WITH CRIMINAL APPEAL NO. 308 OF 2023
WITH APPLN/1500/2023 IN APEAL/308/2023

Kanifnath Pandharinath Nimse
Age: 40 years, Occu.: Agri.,
R/o Nimse Vasti, Walunj,
Tq. & Dist. Ahmednagar

..APPELLANT

VERSUS

State of Maharashtra
Through Police Inspector
Nagar Taluka Police Station,
Tq. & Dist. Ahmednagar

..RESPONDENT

WITH CRIMINAL APPLICATION NO. 4695 OF 2025

1. Kanifnath Pandharinath Nimse
Age: 41 years, Occu.: Service,
2. Ganesh Baban Nimse
Age: 34 years, Occu.: Agri.,
3. Subhash Trimbak Nimse
Age: 68 years, Occu.: Agri.,
4. Macchindra Subhash Nimse
Age: 68 years, Occu.: Agri.,
5. Jalindar Subhash Nimse
Age: 34 years, Occu.: Agri.,
6. Jitendra Shivaji Nimse
Age: 27 years, Occu.: Agri.,
7. Sunil Trimbak Nimse
Age: 58 years, Occu.: Agri.,
8. Nanda Sunil Nimse
Age: 48 years, Occu.: Agri.,
9. Shivaji Sonyabapu Nimse
Age: 48 years, Occu.: Agri.,

All R/o Nimse Vasti, Walunj,
Tq. & Dist. Ahmednagar

..APPELLANTS

VERSUS

1. State of Maharashtra
2. Ashok Suresh Nimse
Age: 35 years, Occu.: Agri.,
R/o Nimse Wasti, Waluj Shivar,
Tq. & Dist. Ahmednagar

..RESPONDENTS

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Mr. N.B. Narwade, Advocate for appellant in APEAL/306/23 and APPLN/2972/25

Mr. R.R. Karpe, Advocate for appellant in APEAL/308/23

Mr. S.S. Jadhav and Mr. R.P. Patwardhan, Advocates for applicant in APPLN/4695/25

Mrs. M.N. Ghanekar, A.P.P. for respondent no.1 – State

Mr. D.S. Ingole, Advocate for respondent no.2 in APPLN/4695/25

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CORAM : RAJNISH R. VYAS, J.
RESERVED ON : 30th JANUARY, 2026
PRONOUNCED ON : 04th FEBRUARY, 2026

ORAL JUDGMENT :

1. Heard the respective counsels. Criminal Appeal Nos. 306 of 2023 and 308 of 2023 takes exception to the judgment passed by the District Judge-1 and Additional Sessions Judge, Ahmednagar dated 29th March, 2023 in Sessions Case No. 336 of 2016.

2. In Criminal Appeal No. 306 of 2023, the appellants – Ganesh, Subhash, Macchindra, Jalindar, Jitendra, Nanda and Shivaji have challenged the conviction awarded for commission of offence punishable under Sections 307, 323, 324, 325, 506, 147, 148 and 149 of the Indian Penal Code and under Section 4 and 25 of the Arms Act. The maximum punishment awarded to them is of rigorous imprisonment for years and fine of Rs.5,000/- each. Default sentence is also imposed.

3. In Criminal Appeal No. 308 of 2023, the appellant - Kanifnath has challenged the same judgment convicting him for commission of offences

mentioned hereinabove and sentence awarded is also the same as of other accused. All the sentences imposed on the appellants were ordered to run concurrently.

4. In Criminal Application No. 4695 of 2025, the appellants in both the appeals i.e. Criminal Appeal No. 306 of 2023 and 308 of 2023 and Ashok Suresh Nimse are parties. By way of said application, a request is made to quash the judgment delivered by the trial Court i.e. District Judge – 1 and Additional Sessions Judge, Ahmednagar in Sessions Case No. 336 of 2016. A joint compromise deed dated 29th July, 2025 is also filed on record, wherein similar request is made on the ground that both, the informant and accused, being adult and since wanted to live with peace and harmony, decided to settle the matter. It has been further stated that they have taken a vow to reside in peace and harmony forever. They have, in fact, adopted forgive and forgot policy. An undertaking was also given that they will not indulge into any further dispute. A joint pursis dated 29th July, 2025 is supported by an affidavit of the applicants as well as Respondent No.2. Parties were present in the Court and were duly identified by the respective counsels. It is further necessary to mention here that an additional affidavit dated 28th January, 2026 is also filed in Criminal Application No. 4695 of 2025 by Ashok Suresh Nimse and Nilesh Suresh Nimse stating that since their parents viz. Mandabai and Suresh were also injured in the incident in question and since their

parents suffered natural death during pendency of trial, they have no objection if the conviction awarded to the accused/applicants is quashed. The said additional affidavit is duly sworn by Ashok Suresh Nimse and Nilesh Suresh Nimse.

5. One more affidavit dated 30th January, 2026 is filed by Popat Suresh Nimse, who has stated that his parents Mandabai and Suresh were injured in the incident, however during the pendency of the trial they suffered natural death and he being their son, has no objection to quash the conviction against the accused/applicants on the basis of compromise arrived between them.

6. During the course of argument it was argued by Mr. Jadhav and Mr. Narwade, learned counsels that the complainant and the injured parties on one hand and the accused on the other hand are cousins and the manner in which the incident had taken place would reveal that there was in fact no premeditation. The respective counsels submitted that the applicants have no criminal antecedents and they are peace loving and law abiding citizens. It was argued that the offence committed is not the one which can show mental depravity or was committed to disturb the public peace. They have stated that the ends of justice are higher than the ends of mere law.

7. Per contra, learned A.P.P. submitted that the injuries caused were serious and considering the nature of weapons used and body part chosen, this application may not be allowed and be dismissed.

8. I have gone through the record of the case. It is not disputed that the parties have filed the compromise pursis on record by which they have categorically stated that they have settled the matter due to intervention of the elderly persons. They have adopted forgive and forget policy. They have further stated that in fact the dispute involved was of private nature. In view of the law laid down in case of *Ramgopal and Another Vs. State of Madhya Pradesh* reported in *2022 (14) SCC 531*, the criminal prosecution can be quashed since there is absolutely no pressure on either of the parties or no monetary settlement is involved. Since the appeal against conviction is pending before this Court, the powers under Section 482 of the Cr.P.C. can be exercised to quash the conviction.

9. At this stage it is necessary to mention that in order to satisfy whether the compromise was genuine or whether pressure was mounted, on the last occasion in the Court with the help of counsels it was enquired with Nilesh Suresh Nimse and others, who have categorically stated that they have in fact no grudge against each other and have no objection if conviction imposed on accused is quashed. The Hon'ble Apex Court in various judgments

has observed that while quashing the conviction, certain factors are to be taken into consideration which include nature and effect of offence on the conscious of society, seriousness of injury, if any; voluntary nature of compromise between the accused and the victim and conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

10. As already stated, there is nothing on record to show that the offence in question had occurred due to a systematic planning and was with an intention to disturb the public order. The offence further cannot be called as heinous. The injured are now living the normal life and all the parties are residing in the same village. Further, the incident in question had occurred in the year 2015 and thereafter till this date no complaint is made that any of the parties have indulged into similar act. I am, therefore, of the opinion that no purpose would be served if the judgment delivered by the trial Court convicting the accused is allowed to stand. At this stage it is necessary to observe the principle led down by the Hon'ble Apex Court in various judgments viz. *State of Karnataka .vrs. L. Muniswamy (1977) 2 SCC 699, B.S. Joshi .vrs. State of Haryana (2003) 4 SCC 675, Gian Singh [supra], Narinder Singh .vrs. State of Punjab (2014) 6 SCC 466, Parbhatbhai Aahir Oarbatbhai Bhimsingbhai Kurmur (2017) 9 SCC 641, State of Madhya Pradesh .vrs. Laxmi Narayan and others (2019) 5 SCC 688*, the following principles were culled out :

“55. Though the above-noted authoritative pronouncements of the Supreme Court have consistently laid down the broad principles governing the exercise of power of the High Court under Section 482 of the Cr. PC for bringing an end to the criminal process, for addressing the concerns noted at the outset and future guidance of trial courts, some of the crucial ones may be flagged as under:—

(i) The inherent jurisdiction vested in the High Court, as recognized and preserved by Section 482 Cr. PC, is primarily to “prevent abuse of the process of court” or to “otherwise secure the ends of justice”.

(ii) The ends of justice are higher than the ends of mere law, the prime principle governing the exercise of inherent power being “to do real, complete and substantial justice” for which the court exists.

(iii) It is the duty of the court to give “adequate treatment to the settlement between the parties” particularly in cases involving compoundable offences, the exercise of inherent power of the High Court under Section 482 Cr.P.C., however, not being inhibited in case of non-compoundable offences though, for the latter category, such power is to be “exercised sparingly and with caution”.

(iv) If the criminal case has “overwhelmingly and predominantly civil character”, particularly if it arises out of “commercial” (financial, mercantile, partnership or such other) transaction - and this would include the “cheque bouncing cases” under Section 138 N.I. Act - or “matrimonial dispute” or “family dispute”, genuine resolution on equitable terms, in entirety, by the parties should result in criminal proceedings being quashed.

(v) Since the institution of marriage has an important role to play in the society, the court is to make every effort to encourage the

parties to terminate such discord amicably and if it appears that elements of settlement exist, and the parties are willing, they are to be directed to the process of mediation to explore the possibility of settlement, it being desirable to do so even at the “pre-litigation stage”.

(vi) While examining the prayer for quashing of a non compoundable offence, on the basis of settlement of the dispute between the wrongful doer and the victim, the High Court is to bear in mind as to whether the possibility of conviction is “remote and oblique” and further, if the continuation of the criminal case would lead to “oppression and prejudice” or “extreme injustice” for the accused.

(vii) The considerations which would weigh with Court include the antecedents of the accused, possible lack of bona fides, his past conduct and that includes the question as to whether he had earlier absconded and as to how he had managed with the complainant to enter into a compromise.

(viii) But, the High Court, when called upon to exercise the power under Section 482 Cr. PC to bring the criminal case to an end on the basis of settlement, must steer clear of intervention in “heinous” or “serious” offences, including those involving “mental depravity”, as indeed “economic offences” affecting “the financial and economic wellbeing of the State”, such as murder, attempt to murder, extortion, forgery, rape, dacoity, financial or economic frauds, cases under Arms Act, etc., the reason being that such offences are “not private in nature” but have “a serious impact upon society”, and continuation of trial thereof is essential due to “overriding element of public interest”.

(ix) The court, however, is not to go by mere use of label of a serious offence (e.g. offence under Section 307 IPC), it being open to it to examine, by scrutiny of the evidence gathered, to find as to whether there are sufficient grounds to frame charge for such offence and, in this view, it being “not permissible” to intervene till the matter has been properly investigated.”

11. In view of the aforesaid principles, I find that the compromise arrived at between the parties is without any pressure or coercion, and therefore, following order is passed :-

ORDER

- (I) The judgment dated 29th March, 2023 passed by the District Judge-1 and Additional Sessions Judge, Ahmednagar in Sessions Case No. 336 of 2016 convicting the appellants / accused persons is set aside.
- (II) The appellants are acquitted for commission of offences punishable under Sections 307, 323, 324, 325, 506, 147, 148 and 149 of the Indian Penal Code and under Section 4 and 25 of the Arms Act.
- (III) So far as acquittal of the appellants in Sessions Case No. 336 of 2016 is concerned, same is not disturbed.
- (IV) Fine amount deposited by the appellants in both the appeals shall be confiscated to the government.
- (V) The appellants in both the appeals i.e. Criminal Appeal Nos. 306 of 2023 and 308 of 2023 are directed to deposit cost of

Rs.4,00,000/- (Rupees Four Lakh) within a week from today with the Registry of this Court and file pursis on record accordingly.

(VI) The Registry of this Court, on deposit of the said cost, is directed to transfer Rs.2,00,000/- to the High Court Legal Services Sub-Committee, Aurangabad, Rs.2,00,000/- to the Government Cancer Hospital, Chhatrapati Sambhajinagar.

(VII) Both the appeals and applications stands disposed of accordingly.

(VIII) List the matter on 09th February, 2026 for compliance.

(**RAJNISH R. VYAS, J.**)

SSD