



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 204 OF 2013

PRABHU SHANKARAPPA BHATSANGVE

VERSUS

THE STATE OF MAHARASHTRA

WITH

**CRIMINAL APPLICATION NO. 1214 OF 2025
IN REVN/204/2013**

...

Advocate for Applicant : Mr. Savant Vilas P.

Advocate for Respondent No.2 : Mr. V. B. Jogdand

APP for Respondents/State : Mr. K. K. Naik

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CORAM : MEHROZ K. PATHAN, J.

DATE : 2nd FEBRUARY 2026

PER COURT :

1. Heard the learned Counsels for the Applicants and the learned APP for the State.

2. The Applicant has approached this Court seeking quashment of the proceedings and the conviction, as the matter has been amicably settled between the parties. The Revision Applicant was convicted by the Judicial Magistrate, First Class, Parali, for the offence punishable under Section 420 of the IPC and sentenced to rigorous imprisonment for six months with a fine of Rs. 1,000/-, and in default, simple imprisonment for 30 days. The Applicant was

further convicted under Section 32-B of the Bombay Money Lending Act and sentenced to rigorous imprisonment along with a fine of Rs. 500/-, and in default, simple imprisonment for 15 days. The Revision Applicant thereafter filed Appeal No. 8/2007 before the learned Sessions Judge. The learned Additional Sessions Judge, Ambejogai, vide order dated 04.09.2013, dismissed the appeal and upheld the conviction against the Applicant/Prabhu Shankarappa Bhatsangve, holding that the Applicant was indulging in money-lending activity without a licence and had committed cheating.

. The Applicant has thus approached this Court by filing the present Criminal Revision. This Court, vide order dated 03.09.2025, suspended the sentence by taking into consideration the settlement arrived at between the Applicant and the complainant. Earlier, vide order dated 09.04.2025, this Court had directed the Registry to verify the settlement terms arrived at between the parties. The Registrar thereafter submitted a report confirming the correctness of the settlement terms, which were verified along with the identification of the parties who had entered into the settlement with the assistance of the learned Counsels appearing. The report dated 09.04.2025 is on record. The terms of settlement have also been filed on record along with the affidavit of the Respondent/complainant dated 01.04.2025.

3. The learned Counsel Mr. Savant for the Applicant submits that in view of the judgment of the Hon'ble Supreme Court in the case of **Ramawatar Vs. State of Madhya Pradesh**, reported in (2022) 13 SCC 635 as well as the judgment in **Ramgopal and another Vs.**

State of Madhya Pradesh reported (2022) 14 SCC 531, this Court may be pleased to exercise the powers under Section 482 Cr.P.C. for quashing of the judgment of the conviction on account of settlement arrived at between the parties.

4. The learned APP opposes the present application on the ground that the Applicant and the complainant have misused the police machinery. The Applicant had suffered a conviction at the hands of the learned JMFC, which was upheld by the learned Sessions Judge. If the Applicant and the complainant are allowed to enter into a settlement, heavy costs may be imposed upon them in case this Court is inclined to quash the proceedings and conviction on the ground of settlement.

5. I have gone through the judgment dated 18.01.2007 passed by the learned JMFC, Parali, in RCC No. 338/2004. I have also examined the judgment passed by the learned Appellate Court in Criminal Appeal No. 8/2007 by the learned Additional Sessions Judge, Ambejogai, dated 04.09.2013. The Hon'ble Supreme Court in the case of Ramawatar Vs. State of Madhya Pradesh (supra), the three Judge bench of the Hon'ble Spreme Court has held as under :

10. So far as the first question is concerned, it would be ad rem to outrightly refer to the recent decision of this Court in the case of Ramgopal & Anr. Vs. The State of Madhya Pradesh, wherein, a two Judge Bench of this Court consisting of two of us (N.V. Ramana, CJI & Surya Kant, J) was confronted with an identical question. Answering in the affirmative, it has been clarified that the jurisdiction of a Court under Section 320 Cr.P.C cannot be construed as a proscription against the

invocation of inherent powers vested in this Court under Article 142 of the Constitution nor on the powers of the High Courts under Section 482 Cr.P.C. It was further held that the touchstone for exercising the extra-ordinary powers under Article 142 or Section 482 Cr.P.C., would be to do complete justice. Therefore, this Court or the High Court, as the case may be, after having given due regard to the nature of the offence and the fact that the victim/complainant has willingly entered into a settlement/compromise, can quash proceedings in exercise of their respective constitutional/inherent powers.

11. *The Court in Romgopal (Supra) further postulated that criminal proceedings involving non-heinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate level. The Court, however, being conscious of the fact that unscrupulous offenders may attempt to escape their criminal liabilities by securing a compromise through brute force, threats, bribes, or other such unethical and illegal means, cautioned that in cases where a settlement is struck post-conviction, the Courts should, inter-alia, carefully examine the fashion in which the compromise has been arrived at, as well as, the conduct of the accused before and after the incident in question. While concluding, the Court also formulated certain guidelines and held:*

19... Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

- (i) Nature and effect of the offence on the conscious of the society;*
- (ii) Seriousness of the injury, if any;*
- (iii) Voluntary nature of compromise between the accused and the victim; &*
- (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”*

[Emphasis Applied]

6. After going through the parameters laid down by the Hon’ble Supreme Court in the aforesaid judgments and the affidavit

filed by Respondent No.2/complainant, which was verified by the Registrar of the High Court on 09.04.2025, I am convinced that the parties have settled the matter amicably of their own free will. For the reasons stated in the application, the application is allowed in terms of prayer clause 'C' and 'D'. Hence the following order :

ORDER

(i) In view of compromise and amicable settlement between Applicant/sole accused and Respondent No.2, Criminal Revision Application No.204/2013 is allowed.

(ii) The judgment and order of conviction dated 18.01.2007 passed by the learned Judicial Magistrate First Class, Parali (V), in RCC No.338/2004 and judgment and order passed by the learned Additional Sessions Judge-2, Ambajogai in Criminal Appeal No.08/2007 dated 04.09.2013 is hereby quashed and set aside and the Applicant is acquitted for charges levelled against him.

(iii) The aforesaid order is subject to payment of costs of Rs. 25,000/- to be paid to Bhagwanbaba Balika Ashram, Chhatrapati Sambhajinagar. The Applicant/Prabhu shall deposit an amount of Rs. 25,000/- within a period of one week. The matter be placed for compliance on 16.02.2026.

7. The Criminal Revision Application is allowed and disposed of accordingly in aforesaid terms.

MEHROZ K. PATHAN
JUDGE

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