



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

**938 CRIMINAL APPLICATION NO. 4285 OF 2025
IN APEAL/313/2018**

Akshay Nanasaheb Taur

VERSUS

The State Of Maharashtra And Anr

...

Ms. Tejasvini S. Raut h/for Mr. Sudarshan J. Salunke, Advocate for Applicant

Mr. S. G. Joshi, APP for Respondents/State

Mr. Rajesh H. Mewara, Advocate for Respondent No.2

WITH

CRIMINAL APPEAL NO. 313 OF 2018

Akshay S/o. Nanasaheb Taur

VERSUS

The State Of Maharashtra And Anr

...

Mr. Kulkarni Abhishek, Advocate for Appellant

Mr. S. G. Joshi, APP for Respondents/State

Mr. Mehul V. Navandar, Advocate for Respondent No.2

WITH

**CRIMINAL APPLICATION NO. 3968 OF 2025
IN APEAL/313/2018**

Akshay Nanasaheb Taur

VERSUS

The State Of Maharashtra

...

Ms. Tejasvini S. Raut h/for Mr. Sudarshan J. Salunke, Advocate for Applicant

Mr. S. G. Joshi, APP for Respondents/State

Mr. Rajesh H. Mewara, Advocate for Respondent No.2

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 07.03.2026

ORDER :-

1. The Criminal Appeal No.313 of 2018 is filed against the judgment of conviction passed by the learned Additional Sessions Judge, Aurangabad, in Special (Child) Case No.121 of 2016 dated 12.04.2018, by which the appellant-accused was held liable under Section 354 of the Indian Penal Code, 1860 and sentenced to suffer simple imprisonment for one year, along with a fine of Rs.1,000/-, in default to suffer simple imprisonment for 10 days, under Section 323 of the IPC to suffer simple imprisonment for two months and under Section 506(2) of the IPC to suffer simple imprisonment for one year.

2. In Criminal Application No.4285 of 2025, the applicant-accused has prayed for quashing the report pursuant to the amicable settlement that took place between him and the informant. In view of the said settlement, this Court directed the learned Registrar (Judicial) of this Court to verify and report. The report has been filed on record, submitting that the compromise is voluntary.

3. In brief the prosecution's case is that the appellant-accused on 26.09.2015, at about 11:00 a.m., caught hold the hand of the prosecutrix, aged 17 years, thereafter dragged her by holding her collar and made a demand of sexual intercourse. At that time, he also

slapped her, therefore, the report was lodged. Upon appreciation of the evidence, the learned Special Judge held the appellant-accused liable.

4. As far as the compromise is concerned, the appeal is pending before this Court. In view of the judgments in the case of ***Ramawatar Vs. State of Madhya Pradesh reported in (2022) 13 Supreme Court Cases 635*** and ***Ramgopal and Another Vs. State of Madhya Pradesh and Anr. Reported in (2011) 2 SCC (Cri) 145***, since the petitioners are seeking quashment of FIR and the proceedings at post conviction stage and the appeal against conviction is pending before the learned Single Judge, the matter can be heard by the concerned Court by invoking powers under Section 482 of the Code of Criminal Procedure, 1973.

5. It is submitted that the matter has been compromised between the parties, therefore it is prayed that the report and charge-sheet be quashed and the judgment of conviction be set aside.

6. The learned APP for the State strongly opposed the application as well as the appeal and submitted that such compromise cannot be entertained, as it is contrary to the provisions of law.

7. In the case of ***State of Karnataka Vs. L. Muniswamy (1977) 2 SCC 699, B. S Joshi Vs. State of Haryana (2003) 4 SCC 675, Gian Singh (supra), Narinder Singh VS. State of Punjab (2014) 6 SCC 466, Parbhatbhai Aahit Oarbatbhai Bhimsingbhai Kurmur (2017) 9 SCC 641, State of Madhya Pradesh Vs. Laxmi Narayan and others (2019) 5 SCC 688***, the following principles are laid down:

"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.PC., 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."

8. Considering the above guidelines and the fact that this Court has the power to decide the application for quashing the report and charge-sheet under Section 482 of the Code of Criminal Procedure, 1973 as held in ***Ramawatar v. State*** (supra), and further considering that the compromise arrived at between the parties is voluntary and free from any pressure or coercion as per the report of the learned Registrar (Judicial), this Court is of the view that no useful purpose would be served by discussing the other issues involved in the matter. Accordingly, the compromise deserves to be recorded and the impugned judgment deserves to be set aside by quashing the report and charge-sheet against the appellant-accused and by setting aside the impugned judgment of conviction. Hence, the following Order:

::ORDER::

- a. The judgment dated 12.04.2018 passed by the learned Additional Sessions Judge, Aurangabad in Special (Child) Case No.121 of 2016 convicting the appellant/accused is set aside.
- b. The appellant is acquitted for commission of offences punishable under Section 354, 323 and 506 of the Indian Penal Code.
- c. Fine amount deposited by the appellant in the appeal shall be confiscated to the government.
- d. The appellant shall deposit costs of Rs.25,000/- (Rupees Twenty Five thousand) with the Registry of this Court and file pursis on record accordingly. If the said amount is not deposited, the appeal shall revive.
- e. The Registry of this Court, on deposit of the said cost, the same shall be remitted to the District Probation and After Care Association, Satara, in account of Bank of Maharashtra, Powai Naka Branch, Satara, bearing account No.60278188704.
- f. Pending Criminal Applications are disposed of.

[SANJAY A. DESHMUKH, J.]

HRJadhav