



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 1743 OF 2025
GAJANAN BABURAO JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Senior Advocate for the Petitioners : Mr. P. R. Katneshwarkar i/by
Mr. Fulfagar Anuj Ajay

Addl. PP for Respondents/State : Mr. A. Shinde

Advocate for Respondent No.2 : Mr. Jadhav Aummaheshwari S.

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CORAM : MEHROZ K. PATHAN, J.

DATE : 17th APRIL 2026

PER COURT :

1. The Petitioners have filed the present petition, thereby praying for quashing and setting aside the order of conviction dated 21.01.2014 passed by the learned Judicial Magistrate First Class, 12th Court, Aurangabad in R.C.C. No. 1299/2011 and impugned order dated 28.11.2019 passed by the learned Sessions Judge, Aurangabad in Criminal Appeal No. 45/2014, thereby upholding the conviction of the Petitioners.

2. The learned Senior Counsel for the Petitioners, Mr. Katneshwarkar, as well as the learned Counsel for Respondent No. 2, Mr. Jadhav, submit that the matter has been amicably settled

between the parties. The crime registered against the Petitioners arose from a civil dispute that was raised before the Civil Court in RCS No. 1187/2008, concerning the construction of a cattle shed in Gut No. 54. This dispute led to a scuffle between the complainant and the Petitioners, during which it is alleged that accused Nos. 1 and 2 assaulted the complainant with an iron rod, while accused Nos. 3 and 4 assaulted him with a stick. The incident resulted in a fracture of the complainant's right leg. The injured witnesses and the informant underwent treatment at Ghati Hospital. Consequently, offences under Sections 143, 147, 148, 323, 325, 504, and 506 read with Section 34 of the Indian Penal Code, as well as Sections 37(1) and 37(3) of the Bombay Police Act, were registered as Crime No. 53/2011 at Chikhalthana Police Station, Aurangabad.

3. The Petitioners were tried and convicted in the aforesaid offences by the learned JMFC Aurangabad as the offences were triable by Magistrate vide judgment dated 21.01.2014 in RCC No. 1299/2011.

4. The Petitioners have filed an appeal challenging the aforesaid judgment of conviction. The learned Appellate Court, vide its judgment dated 28.11.2019 passed by the learned Sessions Judge, Aurangabad in Criminal Appeal No. 45/2014, was pleased to dismiss the appeal, thereby maintaining the judgment and order of conviction passed by the learned JMFC, Aurangabad in RCC No. 1299/2011 dated 21.01.2014. The Petitioners thereafter filed

Criminal Revision No. 355/2019, which is pending adjudication before this Court. During the pendency of the Revision Proceedings, the Petitioners and Respondent No. 2/Complainant resolved their dispute, as the present crime was an outcome of civil proceedings in RCS No. 1187/2008, which has also been compromised by filing a compromise pursis. The compromise pursis contains a clause that the criminal proceedings would also be withdrawn by the complainant, who would give no objection to quash and set aside the proceedings. Accordingly, the compromise was entered into and recorded by the learned Civil Court, which accepted the said compromise and passed a compromise decree in its order dated 11.01.2023. The matter was thereafter placed before the Lok-Adalat for withdrawal.

5. The learned Counsel for Petitioners as well as the learned Counsel for Respondent No.2 therefore submit that the parties have entered into a compromise and have already settled the civil suit. There is no public elements involved in the present crime. In view of the settlement arrived at between the parties, the impugned order of conviction passed by the learned Trial Court, as well as the judgment passed by the learned Appellate Court upholding the conviction, may kindly be quashed and set aside, thereby acquitting the present Petitioners.

6. The learned APP, on the other hand, strongly opposes the petition on the ground that the Petitioners have misused the police machinery and have now entered into a compromise. If this Court

comes to the conclusion that the conviction of the Petitioners can be quashed and set aside on the ground of settlement between the parties, heavy costs may be imposed upon the Petitioners for misusing the police machinery and abusing the process of the Court.

7. I have gone through the judgment passed by the learned trial Court thereby convicting the Petitioners as well as the learned Appellate Court thereby upholding the conviction of the Petitioners. The Petitioners are convicted for the following offences :

Sr. No.	Accused	Offence U/sec.	Sentence
1	Accused No.1 and 2	143 of IPC	Rigorous imprisonment for 3 months and fine of Rs.1,000/- in default to suffer simple imprisonment for 15 days each.
	Accused No.1 and 2	147 of IPC	Rigorous imprisonment for 6 months and fine of Rs.2,000/- in default to suffer simple imprisonment for 15 days each.
	Accused No.1 and 2	148 of IPC	Rigorous imprisonment for 1 Year and fine of Rs.3,000/ in default to suffer simple imprisonment for 1 month each.
	Accused No.1 and 2	325 of IPC	Rigorous imprisonment for 3 years and fine of Rs.5,000/ in default to suffer simple imprisonment for 3 months.
2	Accused No.3 and 4	143 of IPC	Rigorous imprisonment for 3 months and fine of Rs.1,000/- in default to suffer simple imprisonment for 15 days each.
	Accused No.3 and 4	147 of IPC	Rigorous imprisonment for 6 months and fine of Rs.2,000/ in default to suffer simple imprisonment for 15 days each.
	Accused No.3 and 4	325 of IPC	Rigorous imprisonment for 3 years and fine of Rs.5,000/ in default to suffer simple imprisonment for 3 months.

8. The Petitioners have been sentenced to a maximum punishment of three years' imprisonment under Section 325 of the Indian Penal Code. The other accused have already been released by the Trial Court, granting them the benefit of the Probation of Offenders Act, with a direction to pay Rs. 10,000/- as compensation to the informant out of the fine amount, in terms of Section 357(1) of the Code of Criminal Procedure.

9. The Petitioners/accused as well as the Respondent No.2 (Complainant) have filed a joint affidavit in the present petition, thereby confirming that the matter has been amicably settled between the parties and that they have agreed to end both the civil and criminal proceedings pending against each other, with the permission of this Court. The compromise pursis filed before the learned trial Court in RCS No. 1187/2008 has also been placed on record along with the order dated 11.01.2023. The detailed order below Exhibit-60 passed in RCS No. 1187/2008 shows that all the parties, including the present Complainant/Shripad Janardhan Jadhav, were present before the 12th Joint Civil Judge, Junior Division, Aurangabad, when the order recording the compromise was passed.

10. The Hon'ble Supreme Court in the case of **Ramawatar Vs. State of Madhya Pradesh**, AIR 2021 SC 5228 was pleased to hold 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 and 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.PC. 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.PC. It was further held that the touchstone for exercising the extraordinary powers under Article 142 or Section 482 Cr.PC., 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 Petitioners have filed the present petition praying for exercise of powers under Section 482 of the Code of Criminal Procedure (corresponding to Section 582 of the BNSS) for quashing the judgment of conviction passed by the learned Trial Court as well as the learned First Appellate Court. The Division Bench of the Bombay High Court, Aurangabad Bench in the case of **Shakilabee Abdul Kadar and Anr. Vs. the State of Maharashtra and Anr.** in Criminal Application No.2919/2024, was pleased to quash and set aside the conviction of the Appellants on the ground of settlement, even though the appeal challenging the conviction was pending, and further held that such appeal shall be disposed of in view of the quashing of the conviction in the application under Section 482. Similarly, in the present petition, Criminal Revision No. 355/2019 is pending, challenging the conviction of the Petitioners by the learned Trial Court vide judgment dated 21.01.2014 passed in RCC No.

1299/2011, and the order dated 28.11.2019 passed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No. 45/2014.

12. Taking into consideration the aforesaid judgment passed by the Division Bench of this Court in the case of Shakilabee Abdul Kadar and Anr. (supra), I am inclined to exercise the powers vested in me under Section 482 Cr.PC. for quashing the judgment of conviction. The apprehension expressed by the learned APP can be addressed by imposing costs upon the Petitioners for having utilized the police machinery and Court proceedings and thereafter settling the disputes. Hence, the following order is passed :

ORDER

(i) The Criminal Writ Petition is allowed.

(ii) The impugned order of conviction dated 21.01.2014 passed by the learned Judicial Magistrate First Class, 12th Court, Aurangabad in R.C.C. No. 1299/2011 and impugned order dated 28.11.2019 passed by the learned Sessions Judge, Aurangabad in Criminal Appeal No. 45/2014, thereby upholding the conviction of the Petitioners, are hereby quashed and set aside.

(iii) The Criminal Revision No. 355/2019 also stands disposed of accordingly.

(iv) The aforesaid order shall be subject to the Petitioners depositing costs of Rs. 50,000/- to the Bhagwan Baba Balika Ashram and Rs. 50,000/- to the Devgiri Kalyan Ashram, within one week. The details of both Ashram are as follows:

1. Bhagwan Baba Balika Ashram
Plot No. 4/5, Near Chate School, Pruthvinagar, Renukamata
Kaman, Satara Parisar, Chhatrapati Sambhajanagar.
2. Devgiri Kalyan Ashram
 - (i) Bank Name : Jalgaon Janta Cooperative Bank, Deopur
Dhule Branch
 - (ii) Account Number : 06023009470
 - (iii) IFSC Code: JJSB0000007 Bank
- (v) The matter be placed for compliance on 28.04.2026.

MEHROZ K. PATHAN
JUDGE

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