



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 113 OF 2025

1. Syed Ahmed @ Golu s/o Syed Azam,
Age : 19 years, Occupation : Welding Work,
R/o : Kadrabad Plot, Parbhani.
2. Syed Aman s/o Syed Azam,
Age 21 years, Occupation : Welding Work,
R/o Kadrabad Plot, Parbhani. ... Appellants

Versus

1. The State of Maharashtra
2. Shaikh Ayub s/o Shaikh Noor,
Age : 29 years, Occupation : Business,
R/o : Ramabai Ambedkar Nagar,
Parbhani. ... Respondents

**WITH
CRIMINAL APPLICATION NO. 1147 of 2026**

1. Syed Ahmed @ Golu s/o Syed Azam,
Age : 19 years, Occupation : Welding Work,
R/o : Kadrabad Plot, Parbhani.
2. Syed Aman s/o Syed Azam,
Age 21 years, Occupation : Welding Work,
R/o Kadrabad Plot, Parbhani. ... Appellants

Versus

1. The State of Maharashtra
[Through Nanelpeth Police Station,
District Parbhani]

2. Shaikh Ayub s/o Shaikh Noor (injured),
Age : 32 years, Occupation : Business,
R/o : Ramabai Ambedkar Nagar,
Parbhani. ... Respondents

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Mr. Nilesh S. Ghanekar, Advocate for the Appellants/Applicants.

Mrs. Saie S. Joshi, APP for Respondent No.1-State.

Mr. Ashok P. Gaikwad, Advocate for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 07.05.2026

JUDGMENT :

1. Vide above appeal, exception was taken to the judgment and order of conviction dated 03.12.2024 passed by learned Additional Sessions Judge, Parbhani in Sessions Trial No. 113 of 2018 recording conviction for offence under Section 307 r/w 34 of IPC.

During pendency of the appeal, in the backdrop of compromise between the parties, appellants herein had moved the Hon'ble Division Bench of this Court vide Criminal Writ Petition No. 1323 of 2025 and in the said petition, on 15.10.2025, following order came to be passed :

“Leave to convert the present petition into Criminal Application under Section 482 of the Code of Criminal Procedure, with liberty to the petitioner to move before the learned Single Judge before whom substantive appeal challenging the conviction of the petitioner is pending.”

It is in the above backdrop, Criminal Application No. 1147 of 2026 for quashing the judgment and order of conviction and to acquit the accused was pressed into service, by invoking Section 482 of Cr.P.C.

2. Learned counsel for applicants/appellants would point out that, present applicants were tried vide Sessions Trial No. 113 of 2018 in the backdrop of Crime No. 37 of 2018 and both the appellants faced trial and by judgment and order dated 03.12.2024, came to be convicted and sentenced to suffer imprisonment for 10 years. Learned counsel further pointed out that aggrieved by the same judgment and order of conviction, applicants (convicts) had moved this Court by way of above appeal, but during pendency of the appeal, parties, who are immediate neighbours, and as incident had occurred on the spur and heat of moment without any ill intention, have amicably settled the matter.

In view of both, complainant and accused, being of same village and they having buried their difference and as relations have come back to normalcy and peace, he prays to permit the compromise and acquit the accused by quashing the judgment and order of conviction.

3. In support of permissibility of compromise and settlement, learned counsel placed on record the settlement deed at Exhibit "B". Further, in support of his prayers, he seeks reliance on the judgments passed by this Court in ***Ganesh Baban Nimse and others v. State of Maharashtra*** [Criminal Appeal Nos. 306 and 308 of 2023 decided on 04.02.2026] ; ***Vijay Karbhari Golhar and others v. The State of Maharashtra*** [Criminal Appeal No. 568 of 2011 with connected appeals decided by the Division Bench of this Court on 12.08.2025] ; judgment of the Hon'ble Apex Court in the case of ***Ramgopal and Another v. State of Madhya Pradesh*** (2022) 1 Mh.L.J. (Cri) 291 : MANU/SC/0967/2021 as well as ***Ramawatar v. State of Madhya Pradesh*** (2022) 13 SCC 635.

4. Learned APP would strongly oppose primarily on the ground that offence is serious. That, by virtue of registration of crime, it is a State Case and as such, parties cannot settle the matter *inter se* between them. She would further submit that, considering the nature of offence to be serious and grave one, involving attempt to commit

murder, the prayer so raised may not be granted. In support of her above submissions, she sought reliance on the judgment of this Court at Nagpur in ***Sau. Maya Sanjay Khandare and another v. State of Maharashtra*** [Criminal Application (APL) No. 709 of 2020 decided on 05.01.2021] as well as the decisions of the Hon'ble Apex Court in the case of ***Surendra Nath Mohanty and Another v. State of Orissa*** (1999) 5 SCC 238; ***The State of Madhya Pradesh v. Laxmi Narayan and others*** [Criminal Appeal No. 349 of 2019 with connected appeal decided on 05.03.2019] ; ***Ramgopal and another v. The State of Madhya Pradesh*** [Criminal Appeal No. 1489 of 2012 with connected appeal decided on 29.09.2021] ; as well as in the case of ***Daxaben v. State of Gujarat and others*** [Criminal Appeal arising out of SLP (Cri) No. 1132-1155 of 2022 decided on 29.07.2022] and lastly, the judgment of this Court in the case of ***Ganesh Baban Nimse and others v. State of Maharashtra*** [Criminal Appeal No. 306 of 2023 with connected appeals decided by this Court on 04.02.2026].

5. Here is an application for quashing the judgment and order of conviction under Section 482 of Cr.P.C. on the ground that, parties have reached to a compromise and an amicable settlement.

6. Though numerous rulings and judgments of this Court are placed on record, the Hon'ble Apex Court in the cases of ***Narinder Singh v. State of Punjab*** (2014) 6 SCC 466, ***Parbatbhai Aahir @ Parbatbhai Bhimsinghbhai Karmur and others v. The State of Gujarat and another*** (2017) 9 SCC 641 and ***State of Madhya Pradesh v. Laxmi Narayan and others*** (2009) 5 SCC 688, which hold the field, has culled out certain principles to be borne in mind while dealing with such proceedings for quashment under Section 482 of Cr.P.C. and the same are reproduced 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.P.C. 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."

7. The question which is central to the instant proceeding is whether a non-compoundable offence can be permitted to be compounded by virtue of compromise between the parties under Section 482 Cr.P.C.

8. On going through the judgment in the case of **Ramgopal** (supra), one comes across above issue dealt and discussed in para 19 which, for handy reference, is reproduced as under :

“We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. 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.”

The above views are also echoed in the judgment of Hon'ble Apex Court in the case of **Ramawatar** (supra) and thus, Hon'ble Apex Court has endorsed permissibility of compromise *inter se* between the parties.

9. As stated above, parties have placed on record settlement deed. In the light of nature of accusations and charges proved, this Court thought it fit to call upon the very injured and accordingly, he has appeared before the court and to ascertain whether the said compromise is voluntary and without any coercion, this Court inquired with injured, namely, Shaikh Ayub s/o Shaikh Noor.

10. Above prayers are opposed by learned APP primarily on the ground that offence is serious, moreover it is non-compoundable and she specifically relies on above referred judgments.

In the first ruling of ***Sau Maya Sanjay Khandare*** (supra), the Larger Bench of this Court at Nagpur has observed as under :

“Hence, we hold that ordinarily the contention that the convict and the informant/complainant have entered into a compromise after the judgment of conviction can be raised only before the appellate/revisional Court in proceedings challenging such conviction. It would be a sound exercise of discretion under Section 482 of the Code and in accordance with the law of the land to refuse to quash criminal proceedings post-conviction for a non-compoundable offence only on the ground that the parties have entered into a compromise. Instead the Court can permit the convicted party to bring to the

notice of the appellate/revisional Court the aspect of compromise. Having said so, it is only in rarest of rare cases that the Court may quash the criminal proceedings post-conviction for a non-compoundable offence on settlement between the convict and the informant/complainant”

In the case of ***Surendra Nath*** Mohanty (supra), the Hon’ble Apex Court had refused to compound offence under Section 326 of IPC but had reduced the sentence to already undergone.

Similarly in the case of ***The State of Madhya Pradesh v. Laxmi Narayan*** (supra), the Hon’ble Apex Court had occasion to test the legality of order passed by High Court of Madhya Pradesh wherein proceedings for offence under Section 307 of IPC came to be quashed by invoking Section 482 Cr.P.C, wherein earlier law in the case of ***Gian Singh v. State of Punjab*** (2012) 10 SCC 303, ***Narinder Singh*** (supra), ***Parbatbhai*** (supra) was discussed, and one finds specific reference to permitting compounding of offence under Section 307 in clause (iv) of para 13 and it was noted that allegations were serious and there was use of firearm in the commission of offence, and moreover, there was non-consideration of antecedents of the accused therein and therefore, the Hon’ble Apex Court set aside the judgment and order of the High Court.

Learned APP has also sought reliance on the judgment of Hon'ble Apex Court in the case of ***Ramgopal*** (supra), wherein it was noticed and observed in para no. 22 that, in that case, though complainant and victim jointly stated before the Court that there was settlement, but no formal settlement was either brought on record nor it was clarified that such deed of settlement has been recorded and the factum of compromise was noticed to be raised for the first time before the Court. Therefore, in absence of it, there being no proof of settlement, parties were relegated to the court of learned Chief Judicial Magistrate to submit settlement terms, if any, in writing with further directions to the concerned court to decide the same on its own merits and it was further specifically observed that, if the report of the lower court reflected *bona-fide* settlement, the appeal shall be deemed to have been disposed off.

In the case of ***Daxaben*** (supra), offence was under Section 306 of IPC and therefore the Hon'ble Apex Court, after dealing with the judicial precedent, in para 50 held that the criminal proceedings cannot be nipped in the bud by exercise of jurisdiction under Section 482 of Cr.P.C. only because there was settlement, and in that case it was noticed that there was monetary settlement between the accused

and the complainant and other relatives of deceased, but to the exclusion of the hapless widow of the deceased, and therefore, order of High Court allowing compounding by invoking Section 482 Cr.P.C. was interfered with.

The judgment of this Court in ***Ganesh Baban Nimse*** is specifically relied on the proposition that if at all compounding is permitted, then costs be imposed.

11. For above reasons, facts in the instant case as well as the facts in above referred cases are distinguishable. Another important aspect that needs to be dealt is that, the judgment of Hon'ble Apex Court in ***The State of Madhya Pradesh v. Laxmi Narayan*** (supra) which is heavily relied, is of 2019, but the judgment of Hon'ble Apex Court in the case of ***Ramgopal*** (Supra) is of 29.09.2021 and that of ***Ramawatar***, which is also by Larger Bench, is decided on 25.10.2021 and as such, it is subsequent to the judgment in the case of ***The State of Madhya Pradesh v. Laxmi Narayan*** (supra) and in both these judgments, compounding of non-compoundable offence by invoking Section 482 Cr.P.C. has been endorsed.

12. In view of the above discussion, submissions and arguments, it would be apt to narrate the factual foundation of the case. Record shows that Crime No. 37 of 2018 was at the instance of police officer PW2. He has visited the crime scene as well hospital wherein injured was admitted, and as injured was not in a position to give statement, further information and genesis of the crime seems to have been gathered from other people and he himself thereby became informant.

13. Settlement deed at Exhibit "B" shows that, apart from accused, injured is also a signatory, and in the settlement deed it is contended that, on intervention of relatives, well-wishers, differences are buried and in order to live in peace and amity in future, parties have resolved their disputes and party no.2, i.e. injured, has no grievance left against both the accused. It is also stated that, parties are entering into settlement on their free will and accord and without any coercion.

14. In view of above, this Court had called upon the injured himself before the Court and he was accordingly present before the Court today. He was duly verified to the extent of settlement and he admitted that the matter has been amicably settled and that he

himself has no grievance left whatsoever for compounding the offence and he too prayed for compounding the offence. His credentials were verified and photocopy of his identity was also taken on record.

15. It transpires that, at the time of trial, applicants were 19 and 21 years of age respectively and as such, were apparently teen and in early twenties respectively. As pointed out by learned APP, there is one criminal antecedent reported against appellants for commission of offence under Sections 341, 323, 504, 506 r/w 34 of IPC, upon which learned counsel for appellants has placed on record order passed in Lok-Adalat dated 25.09.2021 by virtue of which, the matter was settled.

16. Before the trial court Out of the seven witnesses examined by the prosecution, PW1 is the injured, PW2 is the police officer, PW3 is the medical expert and PW4 was said to be an eye witness, who does not seem to have supported prosecution. PW5 and PW6 seem to be panchas, whereas PW7 is the Investigating Officer.

Thus, here, there is conviction primarily on the testimony of injured, but he himself has come forward to resolve the dispute and to settle the matter amicably.

17. Therefore, in the light of above discussion, law laid down by the Hon'ble Apex Court in the case of ***Ramgopal*** (supra), ***Ramawatar*** (supra) and the judgments of this Court in above referred appeals, this Court is convinced that amicable settlement/compromise is genuine and therefore, Court is inclined to grant the prayers. Hence, following order :

ORDER

- I. Criminal Appeal is allowed.
- II. The judgment and order of conviction dated 03.12.2024 passed by learned Additional Sessions Judge, Parbhani in Sessions Trial No. 113 of 2018 is hereby quashed and set aside.
- III. Both the appellants stand acquitted. They be released forthwith if not required in any other case.
- IV. The fine amount deposited by the appellants shall be confiscated to the Government.
- V. The appellants shall deposit costs of Rs.1,00,000/- (i.e. Rs.50,000/- each) within two weeks from the date of uploading of this order, which should be given to the Government Cancer Hospital, Chhatrapati Sambhajinagar.

VI. In view of this order, Criminal Application No. 1147 of 2026 stands allowed and disposed off in aforesaid terms.

VII. Parties to act on an authenticated copy of this order.

18. List the matter for compliance on 10.06.2026.

[ABHAY S. WAGHWASE, J.]

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