



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

976 CRIMINAL APPLICATION NO. 58 OF 2026

Pandurang Maruti Shelke & othersApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. K. K. Katariya, Advocate for Applicants.

Mr. G. O. Wattamwar, APP for the State.

Mr. N. B. Narwade, Advocate for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st JANUARY, 2026.

PER COURT :

1. Issue notice to the Respondents returnable forthwith. Learned APP waives service of notice on behalf of the State. Learned Counsel Mr. Narwade waives service of notice on behalf of Respondent No. 2.

2. This application is filed invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the First Information Report bearing Crime No. 0769/2025 registered with Shevgaon Police Station, District Ahiyanagar for the offences punishable under Sections 109, 118(1), 115(2), 324(4), 189(2), 333, 190, 191(2), 191(3) of Bharatiya Nyaya Sanhita, 2023.

3. The brief facts of the case can be narrated as under :-

On 26.08.2025, Applicant Pandurang came to the house of the complainant and assaulted her with the help of an iron rod. It is further alleged that Applicant Jayashri abused the complainant and assaulted her with a sickle. Father of the complainant intervened them and admitted her to Rural Hospital, Shevgaon and thereafter she was shifted to Surya Multi Speciality Hospital. On these allegations, complainant lodged First Information Report against the present Applicants.

4. Learned counsel for Applicants and learned Counsel for Respondent No. 2/complainant submit that the parties have reached a mutual compromise and have amicably settled the dispute. It is further submitted that the parties have agreed not to repeat the same offence in the future. Reliance is placed on the following judgments :-

- (I) Narindar Singh vs. State of Punjab
2014(2) MLJ (Cri) 365.
- (ii) Sandip Pandurang Bawale vs. State of Maharashtra
2023 DGLS (Bom.) 133.

5. Perusal of the record indicates that the Applicants had allegedly formed an unlawful assembly and attacked present Respondent by using sickle which has resulted into injuries. Consequently, the First Information Report was lodged against the Applicants.

6. The parties have now mediated the issue and unanimously have agreed to settle the dispute and foster harmonious relations. Accordingly, the Applicants have filed this application in order to quash the proceedings. The said aspect is affirmed by Respondent No. 2 by producing an affidavit-in-reply on record to that effect.

7. At this juncture, it would be opt to reproduce the observations rendered by the Hon'ble Supreme Court in case of Narinder Singh (supra) as under :-

“28. Having said so, we would hasten to add that though it is a serious offence as the accused person attempted to take the life of another person/victim, at the same time, the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 Indian Penal Code

as well. Therefore, only because FIR/Charge-sheet incorporates the provisions of Section 307 Indian Penal Code would not, by itself, be a ground to reject the petition under Section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 Indian Penal Code, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 Indian Penal Code were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.

8. Similarly, in the case of Sandip (supra) this Court has reiterated and followed with the issue of quashing the non-compoundable offences while exercising powers under Section 482 of the Code of Criminal Procedure.

9. In view of the aforesaid facts and precedents, it is evident that the parties have reached an amicable settlement and have decided to maintain a cordial relationship. The continuance of proceedings would definitely lead to abuse of process of law. Hence, I am inclined to exercise inherent powers under Section 482 of Code of Criminal Procedure to meet the ends of justice.

10. In the process, the entire State machinery has been misused by the Applicants/Accused and Respondent No. 2 causing abuse of due process of law. Thus, in my considered opinion, the Applications warrant consideration subject to payment of cost by the litigating parties.

11. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) First Information Report bearing Crime No. 0769/2025 registered with Shevgaon Police Station, District Ahiyanagar for the offences punishable under Sections 109, 118(1), 115(2), 324(4), 189(2), 333, 190, 191(2), 191(3) of Bharatiya Nyaya Sanhita, 2023 is quashed and set aside qua the present Applicants.

(iii) Present Applicants and Respondent No. 2 shall deposit an amount of Rs. 10,000/- each with the Government Cancer Hospital, Chhatrapati Sambhajinagar alongwith a joint undertaking to that effect to be filed before the learned Registrar (Judicial) within a period of four weeks from today.

(iv) The parties are also directed to state in the joint undertaking that they will maintain cordial relations with each other and would not cause any further conflict.

(v) Needless to state, non-compliance of aforesaid directions shall result into recall of this order without further reference to the Court.

(SACHIN S. DESHMUKH, J.)

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