



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 CRIMINAL APPLICATION NO. 282 OF 2026

Tukaram Raghunath Chavan & othersApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. S. A. Kulkarni, Advocate for Applicants.
Smt. R. R. Tandale, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 20th FEBRUARY, 2026.

PER COURT :

1. Applicants have preferred this application seeking quashment of First Information Report in Crime No. 389/2025 registered with Shahada Police Station, Dist. Nandurbar for the offences punishable under Sections 85, 115(2), 352, 351(1), 351(2), 3(5) of Bharatiya Nyaya Sanhita and consequential proceedings in RCC No. 252/2025 pending in the Court of Judicial Magistrate First Class, Shahada, Dist. Nandurbar.

2. Learned Counsel for Applicants and learned Counsel for Respondent No. 2/complainant submit that the First Information Report was lodged due to some misunderstanding and now parties have amicably settled the dispute. It is further stated that

Respondent No. 2 has no complaint or any grievance against the present Applicants and hence she has decided not to pursue with the present complaint. Consequently, affidavit-in-reply is filed by Respondent No. 2 to that effect.

3. Learned App has opposed the application.

4. At this juncture, it would be apt to reproduce the observations rendered by the Hon'ble Supreme Court in case of Narindar Singh vs. State of Punjab, **2014(2) MLJ (Cri) 365**. 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.

5. Similarly, in the case of Sandip Pandurang Bawale vs. State of Maharashtra, **2023 DGLS (Bom.) 133** 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 (Now Section 528 of Bharatiya Nagari Suraksha Sanhita).

6. 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 528 of BNSS to meet the ends of justice.

7. Accordingly, application stands allowed in terms of prayer clause 'B' to the extent of the present Applicants only.

(SACHIN S. DESHMUKH, J.)

dyb