



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 336 OF 2026

BAPPUSAHEB S/O BHANUDAS SHELKE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

Advocate for Applicants : Mr. N. B. Garje
APP for Respondent-State : Mr. C. V. Bhadane
Advocate for Respondent No. 2 : Mr. C. B. Choudhari

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th FEBRUARY, 2026

ORDER :-

1. Issue notice to the respondents returnable forthwith.
The learned APP waives service of notice on behalf of the State.
The learned Counsel Mr. Choudhari waives service of notice on behalf of respondent No. 2.

2. This application is presented invoking inherent powers of this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing the First Information Report No. 643 of 2025 registered with Shevgaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 118(2), 115(2), 351(2), 351(3), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and consequential proceedings thereof.

3. The learned Counsel for applicants and learned Counsel for respondent No. 2 / original complainant submit that the parties have amicably settled the dispute and have resolved to maintain cordial relationship. It is further stated that they will live peacefully and not create any further dispute. Consequently, a joint affidavit is filed by the parties to that effect.

4. The learned APP has opposed the application. However, has fairly submitted to pass appropriate order in the interest of justice.

5. The parties have now mediated the issue and unanimously have agreed to settle the dispute and foster harmonious relations. Accordingly, the applicants have filed the application in order to quash the proceedings. The parties have produced a joint affidavit which is verified by the Registrar (Judicial) of this Court regarding the same.

6. Having heard the learned Counsel for the respective sides and upon perusal of record, I am of a considered opinion that since the parties have mutually settled the matter and have filed a joint affidavit to that effect, further continuation of proceeding shall definitely lead to abuse of process of law.

7. 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."

8. 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 BNSS).

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 528 of BNSS to meet the ends of justice. As such, in the interest of justice, this application deserves to be allowed.

10. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) First Information Report No. 643/2025 registered with Shevgaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 118(2), 115(2), 351(2), 351(3), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and consequential proceedings thereof stand quashed and set aside qua the present applicants.

(SACHIN S. DESHMUKH, J.)