



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 391 OF 2026

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| 1. | Babasaheb s/o. Bhausahab Jagtap | |
| 2. | Ajay s/o. Sunil Shelke | |
| 3. | Shubham s/o. Ramchandra Mahadik | |
| 4. | Vishal s/o. Vasant Gaikwad | |
| 5. | Bhausahab s/o. Balu Jadhav | .. Applicants
(Original Accused) |
| Versus | | |
| 1. | The State of Maharashtra | |
| 2. | Prashant s/o. Devidas Mate | .. Respondents
(Respondent No.2-
original complainant) |

Mr. Narayan B. Narwade and Mr. Rahul R. Karpe, Advocate for Applicants;
Mr. B. B. Bhise, Advocate for Respondent No.1;
Mr. Aadinath B. Jagtap, Advocate for Respondent No.2

CORAM : SACHIN S. DESHMUKH, J.
DATE : 04-02-2026

PER COURT:-

1. Applicants have preferred this application seeking quashment of First Information Report (FIR) bearing Crime No.0828 of 2025 registered with Shrigonda Police Station, Taluka Shrigonda, District Ahilyanagar, for the offences punishable under Sections 140(2), 308(5), 352 and 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 3 and 25 of Arms Act.

2. The learned counsel for the applicants and the learned counsel for respondent No.2/complainant submit that the parties have amicably settled the matter as per their own will and wish and they maintain a cordial relationship. It has also been realized that the report was due to misunderstanding. Since the parties do not want to proceed against each other and affidavit in that regard is presented restating the aforesaid aspects.

It is also submitted that the both applicants and respondent No.2 will live peacefully as cordial relations developed between the parties. Henceforth, the parties will not create any further dispute. Consequently, a joint affidavit is presented by the applicants and 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 Honourable Supreme Court, in the case of ***Narindar Singh vs. State of Punjab, 2014(2) MLJ (Cri) 365***, relevant paragraph No.28, 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 Nagarik 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. In that view of the matter, the continuance of the proceedings would definitely lead to abuse of process of law. Hence, I am inclined to exercise inherent powers under Section 528 of *Bharatiya Nagarik Suraksha Sanhita* to meet the ends of justice.

7. Hence, the order;

ORDER

- (i) The criminal application is allowed.
- (ii) First Information Report (FIR) bearing Crime No.0828 of 2025 registered with Shrigonda Police Station, Taluka Shrigonda, District Ahilyanagar, for the offences punishable under Sections 140(2), 308(5), 352 and 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Sections 3 and 25 of Arms Act, stands quashed and set aside as against *qua* the present applicants i.e. (1) Babasaheb s/o. Bhausahab Jagtap, (2) Ajay s/o. Sunil Shelke, (3) Shubham s/o. Ramchandra Mahadik, (4) Vishal s/o. Vasant Gaikwad and (5) Bhausahab s/o. Balu Jadhav.
- (iii) The applicants and respondent No.2 shall deposit an amount of Rs.5,000/- (Rs.Five Thousand) each with this Court, within a period of four weeks from today, and the same shall be remitted to the Government Cancer Hospital, Chhatrapati Sambhajanagar.
- (iv) Needless to state that non-compliance of aforesaid directions shall result into recall of this order without further reference to the Court.

[SACHIN S. DESHMUKH, J.]