



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION 519 OF 2026**

**ASHPAK YUNUS SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. D. S. Patil, Advocate for the Applicants.

Mr. C. V. Bhadane, APP for Respondent-State.

Mr. A. V. Chate, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th MARCH, 2026.**

ORDER:-

1. The applicants seeks quashment of FIR in Crime No.467/2024 dated 12.12.2024 registered with Paithan Police Station, Dist. Aurangabad for offence punishable under Sections 109, 308(5), 115, 352, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 25 of Arms Act well as consequential proceeding in Sessions Case No.349/2025 pending before Judicial Magistrate First Class at Paithan.

2. The learned Advocate appearing for applicants and respondent no.2 submitted that applicants and respondent no.2 have settled their dispute. The respondent no.2 is friend of applicants. However, on date of incident, he was under influence of liquor and quarrel occurred between parties resulting into incident. The applicants had no intention to hurt respondent no.2. The injuries suffered by respondent no.2 are simple in nature. Parties have decided to put an end to entire litigation without maintaining any claim of whatsoever nature. They have filed joint terms of

compromise with aforesaid stipulations, which are verified by Registrar (Judicial) of this Court. The learned Advocates relies upon observations of Supreme Court in cases of ***Mohammad Wajid & Anr. Vs. State of U.P. & Ors. (Criminal Appeal No.2340/2023*** dated ***08.08.2023***), ***Naushey Ali & Ors. Vs. State of U.P. & Anr.***¹ to contend that mere inclusion of Section 307 of Indian Penal Code in FIR or charge-sheet does not bar High Court from quashing criminal proceedings based on settlement between parties.

3. Careful look at contents of FIR would depict that informant runs tea stall near Tahsil office. On 11.12.2024 accused persons entered in shop. They were holding iron rod and sword. The accused abused informant and demanded Rs.2000/- from him, threatening that if he refused to pay, they would kill him. On refusal of informant to give amount, accused persons attempted to hit iron rod on head of informant. At that time, other persons intervened and rescued informant. The applicant no.2-Arbaz kicked informant and said that if he want to run business he will have to pay Rs.5000/- per month as ransom and left place giving threat to kill him. The informant states that both applicants are habitual of extracting money giving threat to shop owners. Nobody dares to complain against them.

¹ 2025 LiveLaw (SC) 190.

4. The learned APP brought to notice of this Court that applicants are habitual offenders. There are six offences registered against applicant no.1. Four of them are pending trial and two of them are pending investigation. Even he was subjected to action under Section 3(1) of The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and Video pirates Act, 1981.

5. Looking to nature of allegations in FIR and criminal antecedents of applicants, this Court finds that allegations in FIR pertains to conduct of accused, which is in public domain. They are involved in extracting ransom from shop owners. Permitting compromise in such matter would be against public interest. The inherent powers cannot be used where nature of offence is in public domain and cannot be termed as individual. In case of ***Gian Singh Vs. State Of Punjab & Anr***² and ***Narinder Singh Vs. State of Punjab and Ors.***³, following observations are made:

“certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is

² 2012 (10) SCC 303.

³ (2014) 6 SCC 466.

hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.”

6. In light of aforesaid exposition of law, if allegations in FIR are seen, this Court finds that conduct of applicants/accused have harmful effect on public and and consists of wrongdoing that seriously endangers and threatens well being of society cannot be quashed. It is not safe to leave applicants only because victim has settled dispute with them. In present case, it is possible that due to settlement between applicants and respondent no.2/victim, trial may result in acquittal. However, this Court cannot permit compounding of such offence, which has greater impact on society at large. It is true that, injuries suffered by informant are simple in nature. However, circumstances in which crime has occurred and purpose of assault needs serious look, as it endangers or threatens well being of society.

7. The learned Advocate appearing for applicants has relied upon law laid down by Supreme Court in case of ***Naushey Ali & Ors.*** (supra), ***Mohammad Wajid & Anr.*** (supra) and observations of this Court in case of ***Anil Bhimrao Sapate & Ors. Vs. The State of Maharashtra & Ors. (Criminal Writ Petition No.4530/2025*** dated ***27.11.2025***). However, all three cases are distinguishable on facts. In case of ***Naushey Ali & Ors.*** (supra) this Court finds that unspecific allegations were made against

seven persons. The incident occurred in year 1991. Although there was reference of firing, but there was no injury. The person making allegations regarding firing was dead. Therefore, it was held that neither common object under Section 149 nor offence under Section 307 can be proved. In case of ***Mohammad Wajid & Anr.*** (supra), it was individual dispute between informant and accused. The Supreme Court observed in last line that observations made in judgment are relevant only for purpose of FIR in question and consequential criminal proceeding and does not lay down proposition of law, which would be binding precedent. In case of ***Anil Bhimrao Sapate & Ors.*** (supra), there was boundary dispute between informant and accused. Apparently, it was an individual dispute that gave rise to quarrel and consequential assault.

8. However, as observed in aforesaid paragraphs, this Court finds that allegations against applicants are not only under Section 308 of BNS, but also under Section 308(5) i.e. extortion by putting any person in fear of death or of grievous hurt, which is punishable with imprisonment upto ten years. Even at this stage, this Court cannot ignore criminal antecedents of applicant no.1.

9. In that view of matter, no case is made out to exercise inherent powers under Section 528 of BNSS and permit premature

termination of criminal proceeding against applicants on basis of settlement with informant.

10. In result, Criminal Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2026