



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 578 OF 2026

KUNAL SANTOSH GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicants : Ms. Priyanka L. Kale
APP for Respondents-State : Mr. G. O. Wattamwar
Advocate for Respondents No. 3 to 5 : Mr. A. D. Jagtap

CORAM : SACHIN S. DESHMUKH, J.

Date : 18th February, 2026

ORDER :-

1. The applicants have moved this Court seeking to quash the complaint i.e. final report / charge-sheet bearing Sessions Case No. 25 of 2025 pending before the Sessions Court, Newasa arising out of Crime No. 709 of 2022 for the offences punishable under Sections 307, 341, 323, 504 and 506 read with 34 of the Indian Penal Code registered with the Newasa Police Station, Tq. Newasa, Dist. Ahilyanagar.

2. The learned Counsel for applicants and the learned Counsel for respondents No. 3 to 5 submits that the parties have reached a mutual compromise and amicably settled the dispute. It is further submitted parties are resolute to resolve all grievances in

relation to the FIR through mutual intervention. The informant and injured declare that the settlement was reached of their own free will, without any force, fear or undue influence.

3. Admittedly, the present application is presented under Section 528 of BNSS / 482 of the CrPC, seeking to quash the FIR and subsequent charge-sheet on the grounds that the informant and injured and the applicants (accused) have reached an amicable settlement. The informant and injured have filed an affidavit stating that the dispute has been resolved.

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(s) 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 IPC as well. Therefore, only because FIR/Charge-sheet incorporates the provision of Section 307 IPC 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 IPC, 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 IPC 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. In view of the fact that the nature of injury being simple and aforesaid precedents, it is evident that the informant and the applicants (accused) have reached an amicable settlement regarding the dispute. Considering that the dispute has been resolved, the parties have decided to maintain a cordial relationship. The continuance of these criminal proceedings, in light of the informant's resolute to resolve the issue, would lead to a futile trial and a definite abuse of the process of law. Therefore, I am inclined to exercise inherent powers under Section 482 of the Code of Criminal Procedure to meet the ends of justice and quash the proceedings against the applicant.

6. Accordingly, the application stands **allowed** in terms of prayer Clauses **(B)**.

7. The impugned complaint i.e. final report / charge-sheet bearing Sessions Case No. 25 of 2025 pending before the Sessions Court, Newasa arising out of Crime No. 709 of 2022 for the offences punishable under Sections 307, 341, 323, 504 and 506 read with 34 of the Indian Penal Code registered with the Newasa Police Station, Tq. Newasa, Dist. Ahilyanagar, is **quashed and set aside** as against applicants, subject to payment of costs of Rs. 20,000/- (Rupees Twenty Thousands only).

8. The cost of Rs. Rs. 20,000/- (Rupees Twenty Thousands only) shall be deposited with this Court, within a period two weeks from today and the same shall be remitted to the Government Cancer Hospital, Chhatrapati Sambhajinagar. Failure to comply with this condition shall result in the automatic revocation of this order.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi