



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.737 OF 2026**

1. Rohit Raju Jadhav
Age: 20 years, Occ. Student,
 2. Nikhil Raju Jadhav
Age. 23 Yrs, Ocu.Agri.,
 3. Vijay Gopichand Jadhav
Age. 39 Yrs, Occu. Agri.,
All r/o. Georai Tanda,
Tq. & Dist. Aurangabad.
- ..Applicants

Versus

1. The State of Maharashtra,
through Investigating officer.,
Chikalthana Police Station,
 2. Yuvraj Raju Pawar
Age. 23 Yrs, Occu. Education,
R/o. Georai-Tanda,
Tq. & Dist. Aurangabad.
- ..Respondents

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Mr. S. S. Jadhav, Advocate for Applicants.

Mr. S. K. Shirse, APP for Respondent No.1.

Mr. Y. V. Kakade, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 06th APRIL, 2026.**

ORDER:-

1. The applicants seeks quashment of charge-sheet no.285/2025 in R.C.C. No.33/2026 pending before Judicial Magistrate First Class at Chhatrapati Sambhajinagar in pursuance to Crime No.68/2025 registered at Chikalthana Police Station for offences punishable under Sections 109, 118(2), 115, 352, 351(2), 351(3), 3(5) of BNS, 2023.

2. The investigation was set in motion on the basis of information given by Yuvraj Raju Pawar alleging that on 15.02.2025 at about 01.30 pm, he was proceeding on motorcycle alongwith his friend Jay Santosh Rathod. They were followed by co-villagers namely Nikhil Raju Jadhav and his brother Rohit Raju Jadhav. Since they were stalked, Jay Rathod turned back his motorcycle towards Georai Tanda. Nikhil Jadhav and Rohit Jadhav followed them and started abusing. The informant called Akshay Rathod and gave information of incident and then proceeded in direction of Georai Tanda. When they reached at Sairaj Hotel on Paithan Road, accused Vijay Jadhav intercepted them. Nikhil Jadhav and Rohit Jadhav followed them. Nikhil Jadhav hit iron rod on head and right hand of Jay Rathod. All three accused continued attack on Jay Rathod by fist and kicks blow. Accused Rohit Jadhav attempted to hit stone to Jay Rathod. Then brother of Jay Rathod i.e. Akshay Rathod and Santosh Shivrul Rathod arrived at spot. Akshay Rathod snatched knife and wooden log from hand of Vijay. Nikhil Jadhav was saying that if anybody intervened he will chop him. Finally, Jay Rathod was shifted to Hospital.

3. The aforesaid information culminated into registration of FIR in Crime No.68/2025. The investigation progressed and charge-sheet no.285/2025 came to be filed against in all three accused

persons including applicants. The present application is filed alongwith joint compromise pursis, placed on record at page no.175, which suggests that applicants/accused and informant/respondent no.2 have arrived at amicable settlement and respondent no.2 has no objection, if present application is allowed and criminal proceeding pending before Court is quashed and set aside.

4. On 02.04.2026 respondent no.2 who is personally present before Court alongwith Mr. Y. V. Kakade, learned Advocate appearing for him and reiterated that parties have arrived at amicable settlement of dispute.

5. Mr. Shirse, learned APP appearing for respondent-State submits that so far as applicant no.3-Vijay Jadhav is concerned, already two offences have been registered against him vide Crime No.29/2021 under Sections 324, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code and Crime No.97/2026 under Sections 303(2), 324(4), 3(5) of BNS, 2023.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of documentary evidence in charge-sheet, it can be observed that injured victim Jay Rathod suffered three injuries. Two of them are classified as grievous injuries. First injury is attributable to use of

sharp weapon. It is deep bleeding injury on central area of parietal scalp of head admeasuring 5x3x2 cm. Second injury is attributable to blunt object on thumb. Third injury is simple in nature i.e. earlobe abrasion. From nature of injuries it is difficult to hold that applicants had intention to kill injured victim. Therefore, ingredients of offence under Section 109 of BNS would not attract. Assuming that offence under Sections 115, 118 of BNS attracts in facts of case, this Court finds that parties have amicably and genuinely settled dispute. They are residents of same village and desirous to maintain peace and harmony amongst themselves. The applicant nos.1 and 2 are hardly 20 and 23 years of age. They are students. Although applicant no.2 has criminal antecedents, he is not author of any injury suffered by victim. The compromise pursis is duly signed by applicants, respondent no.2 and injured witness/Jay Rathod.

7. In aforesaid backdrop, reference can be given to observations in case of ***Narinder Singh Vs. State of Punjab and Ors.***¹, which reads thus:

“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

¹ (2014) 6 SCC 466.

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 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.”

8. The aforesaid exposition of law makes it crystal clear that although offences are non-compoundable, in appropriate cases, looking to gravity of offence and genuine settlement between parties, inherent powers can be exercised to quash and set aside criminal proceeding. This Court holds that looking to age of accused persons, their role in commission of offence and genuine settlement as discernible from terms of settlement, case is made out to exercise inherent powers under Section 482 of Code of Criminal Procedure.

9. Although this Court inclined to exercise inherent powers, it cannot be ignored that after filing of complaint investigation was carried and charge-sheet is filed. The investigation machinery and judicial time has been consumed. In that view of matter, some cost needs to be imposed upon applicants. Hence, following order is passed:-

ORDER

a. Criminal Application is allowed in terms of prayer Clause (B) subject to condition that applicants deposit cost of Rs.15,000/- (Rs. Fifteen Thousand only) to Government Cancer Hospital,

Chhatrapati Sambhajanagar and furnish proof thereof to this Court within period of two weeks from date of this order.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026