



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

CRIMINAL WRIT PETITION NO.36 OF 2026

Jayesh Raju Gaikwad & anr. **... PETITIONERS**

VERSUS

The State of Maharashtra & anr. **... RESPONDENTS**

.....
Mr. S.E. Shekade, Advocate for petitioners
Mr. G.O. Wattamwar, A.P.P. for respondent No.1 – State
Mr. Rohit G. Narwade, Advocate for respondent No.2
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th FEBRUARY, 2026

PER COURT :

1. By this Criminal Writ Petition, the petitioners have approached this Court for quashment of the F.I.R. bearing Crime No.0238/2023, registered with Supa Police Station, District Ahmednagar for the offences punishable under Sections 307, 337 read with Section 34 of the Indian Penal Code and Sections 4, 25 of the Arms Act.

2. Learned counsel for the petitioners submits that, the

parties have reached a mutual compromise and have amicably settled the dispute out of Court by free will and wish of the parties. Apart from the present F.I.R. there is no any other proceeding filed between the parties and that they will not indulge in any illegal activity against each other and will not claim damages from each other. As such, prayed to quash the proceedings.

3. Learned counsel for the respondent No.2 affirms the same and has filed a duly verified joint affidavit to that effect.

4. At this juncture, it would be apt to reproduce the observations rendered by the Hon'ble Supreme Court in case of **Narinder Singh Vs. State of Punjab, 2014(2) Mh.L.J. (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.

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.

6. In view of the aforesaid facts and precedents, it is evident that the parties have reached an amicable settlement. The continuance of proceedings would definitely lead to abuse of process of law. Therefore, I am inclined to exercise inherent powers under Section 482 of the Criminal Procedure Code to meet the ends of justice.

7. In the process, the entire State machinery has been misused by the petitioners/ accused and respondent No.2 causing

abuse of due process of law. Thus, in my considered opinion, the Petition warrants consideration subject to payment of cost by the litigating parties.

8. Hence the following order :

ORDER

- (i) The Criminal Writ Petition is allowed.
- (ii) The F.I.R. bearing Crime No.0238/2023, registered with Supa Police Station, District Ahmednagar for the offences punishable under Sections 307, 337 read with Section 34 of the Indian Penal Code and Sections 4, 25 of the Arms Act is quashed.
- (iii) The petitioners as well as respondent No.2 shall deposit an amount of Rs.50,000/- (Rupees fifty thousand) each with this Court within a period of six weeks from today and thereafter same shall be remitted to the Government Cancer Hospital, Chhatrapati Sambhajinagar.
- (iv) Needless to state, non-compliance of directions shall result into recall of this order without further reference to the Court.

(SACHIN S. DESHMUKH, J.)

fmp/