



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

910 CRIMINAL WRIT PETITION NO.121 OF 2026

- 1] Kishan Anandrao Korade
- 2] Babaji @ Baburao Anandrao Korade
- 3] Dnyaneshwar Babaji Korade
- 4] Akash Maroti Korade
- 5] Madhav Kishan Korade
- 6] Bhaurao Kishan Korade
- 7] Vaijanath Namdeo Korade .. **PETITIONERS**

VERSUS

- 1] The State of Maharashtra
- 2] Gangaram Umaji Ikar
- 3] Narayan Umaji Ikar
- 4] Ramji Suryaji Ikar .. **RESPONDENTS**

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Advocate for the Petitioners : Mr.V.A.Bagdiya
APP for Respondent-State : Mr.R.K.Ingole
Advocate for Respondent nos. 2 to 4 : Mr.Ravindra Dhilpe

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CORAM : MEHROZ K. PATHAN, J.

DATE : 29.01.2026

P.C. :

- 1] The learned counsel for the petitioners submits that the petitioners and the injured persons have amicably settled the dispute amongst themselves with the mediation

of the senior citizens of the village to maintain peace in the village and have, therefore, sought quashment of the FIR. The respondent nos. 2 to 4, who are the complainant and other injured witnesses in the said incident of assault, which is taken place way back in the year 2010, have also voluntarily agreed not to prosecute the proceedings against the present petitioners and have filed affidavits thereby stating that they have settled their dispute amicably and have decided not to prosecute the criminal proceeding filed against the petitioners. The elder person, senior citizens and well wishers have intervened in the said matter and considering the future cordial relations with the petitioners and the respondent nos.2 to 4 have decided to settle the dispute amicably.

2] The affidavits filed by the respondent nos.2-Gangaram Umaji Ikar, respondent no.3-Narayan Umaji Ikar and respondent no.4-Ramji Suryaji Ikar are taken on record and is marked 'X' for identification.

3] The learned counsel for the petitioners,

therefore, submits that in view of the judgment of the Hon'ble Apex Court in the case of **Ramawatar Vs. State of Madhya Pradesh** reported in [2022] 13 SCC 635, this Court can exercise inherent powers under Section 482 of Criminal Procedure Code where a settlement has ensued pending legal remedies available, the proceedings on the basis of the compromise can be annulled. The learned counsel for the petitioners, therefore, submits that this Court may exercise inherent powers under Section 482 of the Criminal Procedure Code for quashing and setting aside the judgment and order dated 29.09.2014 passed by the Judicial Magistrate First Class, Hingoli in RCC No. 281/2010 on the ground of compromise.

4] It is further submitted that the petitioners as well as the respondents have filed application on 03.10.2022 in Criminal Appeal No.49/2014, which is pending against the conviction before the Appellate Court i.e. Additional Sessions Judge, Hingoli, however, the Additional Sessions Judge, Hingoli vide order dated

23.12.2025, has rejected the said application on the ground that amongst all sections invoked for which the petitioners were convicted, Section 324 of IPC is non compoundable offence and as such the prayer of the appellants for setting aside the conviction on the ground of settlement cannot be allowed, hence, the application came to be disposed of.

5] The petitioners have approached this Court by filing the present Criminal Writ Petition invoking inherent powers under Section 482 of the Criminal Procedure Code for quashing and setting side the conviction of the present petitioners herein, vide judgment and order dated 29.09.2014 passed by the Judicial Magistrate First Class, Hingoli in R.C.C.No. 281/2010 for the offence punishable under Sections 325, 324 r/w. 143, 147, 148 and 149 of IPC and the order dated 23.12.2025 passed by the Additional Sessions Judge, Hingoli, below Exh. 50 in Criminal Appeal No.49/2014.

6] The learned APP concedes to the fact that in view of the judgment of the Hon'ble Apex Court in the case

of **Ramawatar Vs.State of Madhya Pradesh**, reported in [2022] 13 SCC 635, this Court can exercise its power to quash and set aside the proceedings in such cases where the parties have decided to settle the dispute amicably. However, the learned APP prays that as the complainants have utilized the police machinery wherein the Investigating Officer was required to investigate and file the charge sheet in the matter, the prosecution has taken pains in collecting evidence to convict the petitioners, hence, appropriate cost may be imposed upon the petitioners as well as complainants for quashing the proceedings.

7] After having considered the judgment of the Hon'ble Apex Court in the case of **Ramawatar Vs. State of Madhya Pradesh**, reported in [2022] 13 SCC 635, wherein the judgment in the case of **Ramgopal Vs. State of Madhya Pradesh** reported in **2022 (1) Mh.L.J. (Cri.) (S.C.) 291** has observed as under :

“We, however, put the further caveat that the powers under Article 142 or under Section 482 of the Code of Criminal Procedure are exercisable in post conviction

matters only on the premise that an order of conviction does not attend finality till the accused has exhausted his / her legal remedies and the finality is subjudiced before an Appellate Court.” The pendency of legal proceedings, be that may before the final Court, is sine qua non to involve the superior Court’s plenary powers to do complete justice.

8] Thus, taking into consideration the aforesaid pronouncement of the Hon’ble Supreme Court in the case of **Ramgopal Vs. State of Madhya Pradesh** [supra] where the accused are convicted. During pendency of the Appeal filed against conviction, the matter has been amicably settled between the complainant and the accused. The proceedings have not attained finality as Criminal Appeal No.49/2014 is still pending before the Additional Sessions Judge, Hingoli, I am inclined to exercise powers under Section 482 of the Criminal Procedure Code. Hence, the following order :

ORDER

i] The judgment and order dated 29.09.2014 passed by the Judicial Magistrate First Class, Hingoli in R.C.C.No. 281/2010 and the order dated 23.12.2025 passed by the Additional Sessions Judge, Hingoli, below Exh. 50 in Criminal Appeal No.49/2014 are hereby quashed and set

aside, subject to the petitioners depositing an amount of Rs.25,000/- with the Bhagwanbaba Balika Ashram, Chhatrapati Sambhajnagar.

ii] The receipt of the payment of the aforesaid cost shall be placed in the present matter within a period of two weeks.

iii] The Criminal Writ Petition is disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE

DDC