

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 17 OF 2026

Rajendra Ramchandra Mane and orsPetitioners

Vs.

The State of Maharashtra and anrRespondents

AND

CRIMINAL WRIT PETITION NO. 18 OF 2026

Shivraj Rajendra PatilPetitioner

Vs.

The State of Maharashtra and anrRespondents

Mr. Manoj Sabale a/w Mr. D. N. Kulkarni for petitioner in Writ
Petition No. 17 of 2026 and for respondent no. 2 in WP 18 of 2026

Mr. Viraj Nalawade a/w Ms. Tanvi Lad, Ms. Sharvari Tipugade,
Mr. Girish Mujumdar for the petitioner in WP 18 of 2026 and for
respondent no. 2 in WP 17 of 2026

Mr. Anand S. Shalgaonkar and Mr. S. S. Chaudhari APP for the State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 6th FEBRUARY, 2026

P.C.

1. By these petitions filed under Articles 226 and 227 of the Constitution of India read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, the petitioners seek quashing of the proceedings of S.C.C. No. 403 of 2017 pending before learned Judicial Magistrate First Class, Peth Vadgaon, Dist. Kolhapur for offence punishable under Sections 337, 323, 504, 506 read with 34 of

the Indian Penal Code and R.C.C. No. 123 of 2018 pending before learned Judicial Magistrate First Class, Peth Vadgaon for offence punishable under Sections 307, 504 read with 34 of the Indian Penal Code.

2. During the pendency of these petitions, the parties have amicably resolved their dispute with the intervention of the elders in the village. Informant/Respondent no. 2 in both the matters have filed their affidavits giving consent for quashing of the proceedings stating that the accused and the informants in both the matters are resident of the same village. The incident has taken place due to a scuffle. With the intervention of the elders and respectable persons in the village, they have amicably settled their dispute. Earlier, their relations were cordial and now they want to revive their cordial relationship and stay peacefully. Both the informants have given no objection to quash the proceedings initiated at their instance.

3. The accused and the informants in both matters are present before this Court. They are identified by their respective advocates. They confirm the amicable settlement of their dispute and submit that they have no objection to quash the proceedings filed against each other.

4. So far as Criminal Writ Petition No. 17 of 2026 is concerned, the offences mentioned are punishable under Sections

337, 323, 504, 506 read with 34 of the Indian Penal Code Sections and are compoundable with the permission of the Court.

5. Taking into consideration the amicable settlement of dispute between the parties, permission is granted to compound the said offence.

6. Petitioners in Writ Petition No. 18 of 2023 are facing prosecution for offence punishable under Sections 307, 504 read with 34 of the Indian Penal Code.

Learned APP has strenuously opposed the request of the petitioner and respondent no. 2 contending that in the incident, there was assault with iron rod on the head of the injured. Therefore, the ingredients of offence punishable under Section 307 of the Indian Penal Code are clearly made out. Therefore, there is sufficient material to frame charge under Section 307 of the Indian Penal Code.

7. Perusal of the injury certificate on record reveals that the injured Dadasaheb Mane has suffered CLW 3 X 2 X 1 cm on *parieto occipital region* caused by hard and blunt object which is stated to be simple in nature. From the injury certificate, it is clear that the ingredients of Section 307 of the Indian Penal Code are not made out against the accused and hence, the prosecution of the accused under Section 307 of the Indian Penal Code cannot be said to be justified. At

the most, the offence, if any, committed by the accused can be said to be under Section 324 of the Indian Penal Code.

8. Taking into consideration the amicable settlement of dispute between the parties, no useful purpose would be served by continuing prosecution against the accused. Even if the trial is permitted to continue, the informant and witnesses are not likely to support the prosecution and the case will result into acquittal. It would be a waste of judicial time and energy and would amount to an abuse of process of law.

9. For the aforestated reasons, the Writ Petitions are allowed.

10. Proceedings in S.C.C. No. 403 of 2017 and R.C.C. No. 123 of 2018 pending before learned Judicial Magistrate First Class, Peth Vadgaon, Dist. Kolhapur are hereby quashed and set aside.

11. Though accused no. 2 in C.R. No. 275 of 2016 registered with Vadgaon Police Station, District: Kolhapur has not preferred Writ Petition, however, since the informant has given no objection to quash the proceedings, the proceedings shall stand quashed against him also.

12. The petitioners in both petitions shall deposit an amount of Rs. 5,000/- each with the Registry of this Court, within 4 weeks from the date of uploading of this order, which shall be paid for purchasing

law books in the Government Pleader's office at Kolhapur Circuit Bench.

13. List for compliance on 24th March 2026.

(NITIN B. SURYAWANSHI, J.)