

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6185 OF 2025

Nageshkumar Madanlal Baghele

... Petitioner

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr. Shubham Gangan a/w Mr. Harshad Sathe, Mr. Siddhesh Bane for the Petitioner.

Mr. S. V. Walve, APP for the Respondent-State.

Mr. Durgesh Rege for Respondent No.2.

CORAM : RANJITSINHA RAJA BHONSALE , J.

DATED : 26th FEBRUARY, 2026.

P. C. :-

1) By the present Petition filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the Petitioner has prayed for quashing of the F.I.R. No. 308 of 2025 dated 29th September 2025 registered with Malabar Hill Police Station, Mumbai and the resultant chargesheet/criminal proceedings bearing C.C.No.PW/797/25 filed therein for the offences punishable under Sections 109, 333, 352 and 115(2) of Bharatiya Nyaya Sanhita, 2023.

2) The case of the prosecution is that, Respondent No.2-original

Complainant was working as Salesman in the Medical Store. Petitioner was also working in the said Medical Store as Pharmacist-Salesman. Respondent No.2 and the Petitioner were co-workers/colleagues. Petitioner was dismissed from service on 29th September 2025 by the Company's HR Manager Mr. Pankaj Jadhav, on the basis that he had committed theft from the Medical Store. Pursuant to the dismissal, the Petitioner came to the Medical Store for collecting articles. Respondent No.2 asked him as to why he committed theft when the CCTV cameras were installed in the Medical Store. Due to the said question, it appears that the Petitioner carried a misunderstanding that, it was the Respondent No.2 who had possibly informed the HR Manager that the Petitioner had committed an act of theft. It is alleged that, on 28th September 2025 Respondent No.2 and one Mr. Avinash Kokani were on duty, at which time one person wearing a black raincoat, gloves and putting a mask on his face without taking any permission entered into the shop and attacked the Respondent No.2 with a knife. During the said incident, Respondent No.2 removed the mask of the said person and it was revealed that the person behind the mask was the Petitioner i.e. Nageshkumar Baghele. During the scuffle, the Respondent No.2 was injured, having sustained an injury on his right palm and a cut between the left thumb and left index finger. There were also two abrasions on the neck of Respondent No.2. On these

facts the FIR came to be lodged.

3) Respondent No.2 and the Petitioner were the co-workers working in the same medical shop. It appears that, the alleged incident had occurred due to some misunderstanding. It appears that, Petitioner was under the impression that, it was on the complaint or an information provided by Respondent No.2 that the Petitioner has lost his job.

4) Learned Advocate for the Petitioner submits that, during the pendency of the present Petition, Petitioner and the Respondent No.2/ original Complainant have settled their personal disputes and differences. He submitted that, Respondent No.2 vide his Consent Affidavit dated 25th February 2026 which is duly affirmed before the Notary Public, has given his consent for quashing the F.I.R. No. 308 of 2025 dated 29th September 2025 registered with Malabar Hill Police Station, Mumbai and the resultant chargesheet therein. He therefore prays that, the said crime be quashed with the consent of the Respondent No.2.

5) Mr. Durgesh Rege, learned Advocate appearing for the Respondent No.2 tendered across the bar, the Consent Affidavit of Respondent No.2 dated 25th February 2026 duly affirmed before the Notary Public. The Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Consent Affidavit dated 25th February 2026 and his "No Objection" for quashing of the crime in

question. The fact that, the *inter se* personal disputes between the Petitioner and Respondent No.2 have been settled is specifically stated and admitted in the said Consent Affidavit.

6) A perusal of the said consent Affidavit of Respondent No.2 indicates that, the alleged incident occurred due to some misunderstanding. In paragraph 4 of the Consent Affidavit, the Respondent No.2 has stated that, the entire incident which took place between the Petitioner and Respondent No.2 was solely based on a misunderstanding, which resulted in the filing of the present F.I.R. Even in the FIR, the Complainant/Respondent No. 2 has specifically stated that, the Respondent No. 2 questioned the Petitioner as to why he committed the theft when the CCTV camera were installed in the shop. In the FIR, the Respondent No 2 states that, the Petitioner got an impression/misunderstanding that the fact/information regarding the theft was given by the Respondent No. 2 to the Medical Manager Mr. Roshan Yadav. From a overall reading of the FIR it appears that, there was no deliberate and malicious intention.

7) In Paragraph 5 of the Consent Affidavit, it is stated that, due to intervention of the staff and the family members, the Petitioner and Respondent No.2 have settled the matter amicably. In paragraph 6 of the Consent Affidavit, it is stated by Respondent No.2 that, he is not desirous

in prosecuting the said crime further against the Petitioner and is consenting for quashing of the same. Respondent No.2 has categorically stated that, the disputes between them have been resolved amicably. In paragraph 8 of the Consent Affidavit, the Respondent No.2 has given his consent for quashing of the crime and has specifically stated that the consent has been given without any force, coercion or any undue influence. In Paragraph 11 of the Consent Affidavit, the Respondent No.2 has specifically stated that, he has agreed to the terms, after reading and understanding the same.

8) Learned APP opposed the petition, submitting that the petitioner has been charged under Section 109 of the BNS along with other provisions of the BNS, and that the offences alleged are of a serious nature. He further submitted that, considering the nature of the offences invoked, the present case is not a fit case for quashing the proceedings on the basis of consent. It was contended that the offences are non-compoundable and that merely because the parties have resolved and settled their disputes, the criminal proceedings ought not to be quashed.

9) The Hon'ble Supreme Court in *Narinder Singh and Ors. Vs. State of Punjab and Anr. (2014) 6 SCC 466* has laid down the guidelines observing that only because FIR / Charge-sheet incorporates provisions of Section 307 of the IPC could not by itself, constitute a ground to reject the

petition under Section 482 of the Cr.P.C. and refuse to accept the settlement between the parties. The quashment of the proceedings depends on the facts and circumstances of each case. In paragraph 29, the Hon'ble Supreme Court has laid down detailed guidelines which are required to be followed by this Court, when accepting a settlement between the parties and quashing the proceedings, and when the proceedings should not be quashed.

10) In the case of *Naushey Ali and others Vs. State of Uttar Pradesh and another* reported in (2025) 4 SCC 78, the Hon'ble Supreme Court in para 17, 18 and 21 has held as under:

17. As explained in Gian Singh v. State of Punjab, quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. This Court, highlighting the difference, had the following to say : (SCC pp. 340-41, paras 57-58)

“57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

58. Where the High Court quashes a criminal proceeding having

regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc. or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, 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 the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

(emphasis supplied)

18. As would be additionally clear from a close reading of the above two paragraphs in *Gian Singh*, even though compounding and quashing are conceptually different, this Court was careful in pointing out that merely because there is a settlement, for certain categories of offences proceedings will not be quashed. This is on the premise that crimes that have harmful effects on the public and consist of wrongdoing that

seriously endangers and threatens the well-being of the society cannot be quashed, only because the accused and the victim have amicably settled the matter.

21. *In State of M.P. v. Laxmi Narayan, after discussing the ratio in Narinder Singh v. State of Punjab and other judgments, this Court held : (Laxmi Narayan case, SCC pp. 704-705, para 15)*

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. *That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*

15.2. *Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;*

15.3. *Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;*

15.4. *Offences under Section 307IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307IPC is there for the sake of it or the prosecution has collected sufficient evidence,*

which if proved, would lead to framing the charge under Section 307IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. *While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender; the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”*

(emphasis supplied)

11) Coming to the facts of the present case and on perusal of the Affidavit, it is evident that the parties have arrived at a settlement.

12) In matters where quashing is sought by consent, this Court is required to keep in mind, in the first place, the circumstances in which an alleged offence/wrongful act is alleged to have been committed. The nature of provocation, the nature of weapon if any, the nature of assault and the resultant injury all have to be considered in totality.

13) Considering the facts of the present case and the over all circumstances, I am of the opinion that, the offences as allegedly narrated in the F.I.R. do not attract and or fall in the case and nature of cases in

which relief should be denied to the parties in the event of an amicable settlement. Prima facie the offence, after considering all the attending circumstances would indicate that the same has proceeded on a misunderstanding. Taking allegations as pleaded and accepting them, it cannot be said that, the alleged crime has any adverse/harmful effect on the public or that it was against societal interest or adversely affected the well being of the society. In short, the offences alleged are not against the society and are in fact to an extent individualistic and private in nature.

14) I am aware of the fact that, the powers under Section 482 in a matter where a settlement has been arrived at have to be exercised with caution and after considering and keeping in mind the nature and the effect of the offence, the societal impact thereof, the seriousness of the injury if any, the nature of the compromise and consent i.e. whether it is voluntary or otherwise, the over all conduct of the accused and other similar attending circumstances. In the present case, the wrongful act/offence can be categorized as a personal wrong doing or being a criminal proceedings of a private nature.

15) The injury caused though term as grievous, do not appear to be of such a serious nature that would exhibit the mental depravity or an act indicating the criminal intention or heinous nature of the offence. The incident has occurred and proceeded due to a misunderstanding. Perusal

of the consent Affidavit of the original complainant/Respondent No. 2 would indicate that the original complainant/Respondent No. 2 has given consent willingly and voluntarily and without any coercion, compulsion or threat. Apart from the incident there is no other complaint or dispute which has arisen between the parties. The Petitioner/accused has not been involved in any similar offence.

16) Parties have amicably settled the disputes and put a quietus to the entire litigation and other related disputes and differences. The parties are now engaged in their daily pursuits and do not have any grievance or grudge against each other. It is also pertinent to note that, allowing the present offence to be quashed based on the consent and settlement of the parties will not cause any adverse effect in the administration of the criminal justice system.

17) It is settled law that the powers under Section 482 of the Code of Criminal Procedure (now Section 528 of the BNSS) are to be exercised with great care, caution and sparingly. The power under Section 482 of the Cr.PC. can be invoked either to prevent the abuse of the process of any Court or to secure the ends of justice.

18) In view of the aforesaid facts and circumstances, I am of opinion that, *prima facie* the case under Section 307 of the Indian Penal Code is not made out against the Petitioner, as the observation is that the

injuries are not on vital parts of the body and that the entire genesis of the incident is based on misunderstanding and misconception between the parties.

19) In view thereof, I am inclined to quash the said crime i.e. F.I.R. No. 308 of 2025 dated 29th September 2025 registered with Malabar Hill Police Station, Mumbai and the resultant chargesheet bearing No.PW/797/25 pending before the Judicial Magistrate, First Class (40th Court), Girgaum, Mumbai.

20) In view of the above, Petition is allowed in terms of prayer clauses (i) and (i.a).

21) Arthur Road Jail Authority is directed to release the Petitioner i.e. Mr. Nageshkumar Madanlal Baghele from custody on production of an authenticated copy of this order.

22) All concerned to act on an authenticated copy of this order.

(RANJITSINHA RAJA BHONSALE, J.)