



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 553 OF 2026

APPLICANTS

- :-** 1) Hashim Khan s/o Kasim Khan,
Aged 39 years, Occu: Labour,
R/o Umari Reeth, Tah. Tadali,
District Chandrapur.
- 2) Shrikant s/o Mahadeo Kale,
Aged about Adult, Occu: Labour,
R/o Morva Chargaon,
District Chandrapur.
- 3) Shoheb s/o Abdul Wahab Sheikh,
Aged about Adult, Occu: Labour,
R/o Padoli, District Chandrapur.

..VERSUS..

RESPONDENTS

- :-** 1) State of Maharashtra,
through Police Station Officer,
Police Station Padoli,
District Chandrapur.
- 2) Kisan s/o Mahadeorao Patil,
Age 55 years, Occu: Nil,
R/o Yashwant Nagar, Tah. Padoli,
District Chandrapur.

WITH

CRIMINAL APPLICATION (APL) NO. 361 OF 2026

APPLICANT

- :-** Wasudeo s/o Hanuman Thakare,
Aged 41 years, Occu: Business,
R/o Bhadravati,
District Chandrapur.

..VERSUS..

RESPONDENTS :- 1) State of Maharashtra,
through Police Station Officer,
Police Station Padoli,
District Chandrapur.
2) Kisan s/o Mahadeorao Patil,
Age 55 years, Occu: Nil,
R/o Yashwant Nagar,
Tah. Padoli, District Chandrapur.

Mr. Sahil Dnyaneshwar Umredkar, counsel for applicants
Mr A.M. Joshi, APP for non-applicant/State (APL No. 553/2026)
Mr. K.R. Lule, APP for non-applicant/State (APL No. 361/2026)

CORAM : **URMILA JOSHI PHALKE, J.**

DATE : **17/03/2026**

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally by consent of learned counsel appearing for the parties.
3. By these applications, the applicants are seeking quashing of the FIR in connection with Crime No. 129 of 2026, registered at Non-applicant/Police Station for the offence punishable under Sections 189(2), 189(3), 296, 324(4) and 351 (2) of the Bhartiya Nyaya Sanhita, 2023, and Section 25(4) of the Arms Act, 1959.
4. The crime is registered on the basis of a report lodged by non-applicant No.2, on an allegation that on

10/02/2026, when he opened his pan stall, at that time present applicants along with the other eight to ten persons came there, abused him in filthy language, and took out the knife. The said knife fell from the hands of one of the accused and caused injury to the complainant. On the basis of the said report, the police have registered the offence against the present applicants.

5. During pendency of these applications, the parties arrived at a settlement. The settlement terms are filed on record, which show that the dispute between the parties pertains to an outcome of misunderstanding and unnecessary aggravation of the dispute. The dispute is not heinous in nature and therefore, seeks permission to settle the dispute in the matter.

6. The contents of the settlement are verified personally from the complainant. He agreed and accepted the said terms, and submitted that he has no grievance against the present applicants.

7. Admittedly, the offence punishable under Section 25(4) of the Arms Act is non-compoundable. The offence under Section 351(2) is also non-compoundable one.

8. Learned counsel for the applicants placed reliance on the decision of the Hon'ble Apex Court in the case of ***Narinder Singh and others Vs State of Punjab and another reported (2014) 6 SCC 466***, wherein the Hon'ble Apex Court has laid down the principles regarding quashing of the FIR in

view of the settlements. It is observed by the Hon'ble Apex Court that power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offence under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution. It is further held that when the parties have reach the settlement and on that basis, petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure ends of justice, and to prevent abuse of the process of the Court.

9. Admittedly, such power, in view of the above said judgment, is not to be exercised in those prosecution which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have serious impact on society. Similarly, offences alleged to have been committed under special statutes like the Prevention of Corruption Act, or offences committed by a Public Servant while working in that capacity, are not to be quashed merely on the basis a compromise between the victim and the offender.

10. In view of the parameters laid down by the Hon'ble Apex Court, the present crime is not heinous in nature. There is no element of mental depravity or offences like murder,

rape, dacoity, etc., and therefore, the application deserves to be allowed. In view of that, I proceed to pass the following order.

ORDER

- a) Criminal Application (APL) No. 553 of 2026 and Criminal Application (APL) No. 361 of 2026 are **allowed.**
 - b) The FIR in connection with Crime No. 129 of 2026, registered at Non-applicant/Police Station for the offences punishable under Sections 189(2), 189(3), 296, 324(4), and 351 (2) of the Bhartiya Nyaya Sanhita, 2023, and Section 25(4) of the Arms Act, 1959, is hereby quashed and set aside to the extent of the present applicants, subject to payment of costs of Rs. 10,000/- by each applicant.
 - c] The costs of Rs. 10,000/- to be deposited in the **Public Welfare Account No. 129712010001014, IFSC Code :UBINo812978, Branch: Union of India High Court Branch.**
 - d] The order will come into effect after compliance of depositing the costs.
11. Pending application(s), if any, stands **disposed of.**

(URMILA JOSHI PHALKE, J.)