



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

CRIMINAL APPLICATION (APL) NO. 562 OF 2026

APPLICANT :- Sadashiv s/o Namdeo Chavhan,
Accused Aged about 39 years,
Occupation: Agriculturist,
R/o Khairgaon (Bhedi),
Taluka- Maregoan,
District Yavatmal.
Aadhar Card No. 3573-4290-8562

..VERSUS..

NON-
APPLICANTS :- 1) The State of Maharashtra,
through Police Station Officer,
Police Station Maregaon, Yavatmal.

Complainant/
Victim 2) Sukhadeo Narayan Jadhav,
Aged about 37 Years, Occupation:
Agriculturist, R/o Khairgaon
(Bhedi), Taluka- Maregaon, District
Yavatmal.
Aadhar Card No.2935-2544-7215

Mr. Vivek Awchat, counsel for applicant.
Mr. K.R. Lule, APP for non-applicant/State.
Mr. S.S. Bhalerao, counsel for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 02/04/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel for the applicant, learned APP for non-applicant / State and learned counsel for non-applicant No.2.
3. By this application, the applicant is seeking quashing and setting aside the judgment dated 09/02/2022 passed by the learned Judicial Magistrate First Class, Maregaon, District Yavatmal, as well as the FIR in connection with Crime No. 247/2016 registered with Police Station Maregaon, District Yavatmal, for the offence punishable under Sections 452, 324, 504 and 506 read with Section 34 of the Indian Penal Code, on the ground of settlement.
4. Heard learned counsel for the applicant, who submitted that non-applicant No.2 is the original complainant, who had filed a report before the Police Station Maregaon on 03/10/2016, contending that the applicant had assaulted the non-applicant No.2 by using stick on his back because of quarrel between them. On the basis of said oral

report, the Police Station Maregaon, District Yavatmal, registered FIR vide Crime No. 247/2016. On the basis of the said report, police have registered the crime against the present applicant under Sections 324, 504 and 506 read with Section 34 of the Indian Penal Code.

5. After completion of the investigation, the charge-sheet was filed, the charge was framed and the trial was conducted. The learned Magistrate has convicted the present applicant of the offence punishable under Section 452 of IPC and sentenced him to suffer rigorous imprisonment for one year and pay fine of Rs. 5,000/-, and in default, to suffer rigorous imprisonment of one month. He was further convicted of the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of one year and pay fine of Rs.1,000/-, and in default, to suffer rigorous imprisonment of one month.

6. Being aggrieved and dissatisfied with the same, the present applicant has preferred an appeal before the Additional Sessions Judge, Kelapur, District Yavatmal, which is presently pending. During the pendency of this appeal, the

parties arrived at a settlement. An affidavit-in-reply was filed by the non-applicant, wherein he has submitted that after the conviction of the applicant by the judgment and order dated 09/02/2022, the applicant preferred the Criminal Appeal No. 05/2022 before the learned District and Sessions Judge, Kelapur, Yavatmal, which is presently pending for adjudication.

7. During the pendency of the said appeal, the relatives and elderly members of the family intervened and made efforts to amicably resolve the dispute between the applicant and non-applicant No.2. These efforts were successful and culminated in an amicable settlement between the parties.

8. The applicant and non-applicant No.2 are close relatives and are cousins, and they are residing in the same village and in close proximity to each other. Owing to their longstanding acquaintance and social ties, they have continued to interact during family functions and social gathering even after the conviction of the applicant. Over a period of time, misunderstanding and grievance between them have faded, and their relationship has now become

cordial and harmonious. It is further contended that the said incident is of 03/10/2016, and since then, a considerable period has been elapsed. Therefore, the parties may be permitted to compound the offences.

9. Learned counsel for the applicant also placed reliance on 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 it is observed by the Hon'ble Apex Court, which reproduced as under:-

13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub judice 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. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the

basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

14. With respect to the second question before us, it must be noted that even though the powers of this Court under Article 142 are wide and far-reaching, the same cannot be exercised in a vacuum. True it is that ordinary statutes or any restrictions contained therein, cannot be constructed as a limitation on the Court's power to do "complete justice". However, this is not to say that this Court can altogether ignore the statutory provisions or other express prohibitions in law. In fact, the Court is obligated to take note of the relevant laws and will have to regulate the use of its power and discretion accordingly.

15. The Constitution Bench decision in the case of *Supreme Court Bar Assn. v. Union of India & Anr* reported in (1998) 4 SCC 409, has

eloquently clarified this point as follows: (SSC p.432, para48)

“48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice “between the parties in any cause or matter pending before it”. The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by “ironing out the creases” in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only dispute-settling. It is well recognised and established that this Court has always been a law-maker and its role travels beyond merely dispute-settling. It is a “problem-solver in the nebulous areas” (see *K. Veeraswami v. Union of India* [(1991) 3 SCC 655 : 1991 SCC (Cri) 734] but the substantive statutory provisions dealing with the subject-matter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the

same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject.” (emphasis in original)

20. Having considered the peculiar facts and circumstances of the present case in light of the aforestated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:

20.1 **Firstly**, the very purpose behind Section 3(1)(x) of the SC/ST is to deter caste-based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/ Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the

deprecated incident was the aforestated civil /property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overarchingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.

20.2 ***Secondly***, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of

the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.

20.3 *Thirdly*, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.

20.4 *Fourthly*, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

20. *Fifthly*, given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.

10. In view of the guidelines issued by the Hon'ble Apex Court, and considering the facts of the present case as well as the law laid down by the Hon'ble Apex Court, the application deserves to be allowed.

11. Moreover, the incident occurred, way back in the year 2016, and nothing on record indicates that either before or after the proposed compromise, any untoward incident has transpired between the parties. Furthermore, the learned APP has also not brought to my attention any other occurrence that would lead me to believe that the applicant is either a repeat offender or is unremorseful about what transpired. Additionally, the parties are close relative and reside in a very close proximity to each, and in view of that application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal Application is **allowed**.
- b] The judgment and order of conviction in Criminal Case No. 91/2016 and the FIR in connection with Crime No. 247 of 2016 registered under section 452, 324, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.
- c] The applicant is hereby acquitted of the charges.

12. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)