
(2026) 08 BOM CK 3184

In the Bombay High Court, Nagpur Bench

Case No : CRIMINAL APPLICATION (APL) NO. 1756 OF 2026

Sajid Khan Pathan

APPELLANT

Vs

State Of Maharashtra & Anr.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Indian Penal Code, 1860 — Sections 353, 332, 294, 506 and 427
Criminal Law (Amendment) Act, 1932 — Section 7
Prevention of Corruption Act
Bhartiya Nagrik Suraksha Sanhita, 2023 — Section 528

Citation : (2026) 08 BOM CK 3184

Hon'ble Judges : M.W. Chandwani, J

Bench : Single Bench

Advocate : Mr. J.B. Gandhi, Mr. H.D. Futane, Mr. N.R. Tekade

Final Decision : Allowed

Judgement

1. Heard. Issue notice to the non-applicants.
2. Learned Assistant Public Prosecutor waives service of notice on behalf of applicant No.1/State. Mr. N.R. Tekade, who has appeared suo moto waives service of notice on behalf of non-applicant No.2.
3. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.
4. The applicant seeks quashing of the First Information Report (FIR) No.71/2010, dated 31.03.2010, registered with Police Station, City Kotwali, Akola for the offences punishable under Sections 353, 332, 294, 506 and 427 of the Indian Penal Code, 1860 (for short the "IPC"), read with Section 7 of the Criminal Law (Amendment) Act, 1932 and consequent Chargesheet No.76/2010, dated 25.08.2010, registered as Session Trial No.119/2025, pending before Principal District and Sessions Judge, Akola.
5. The FIR indicates that non-applicant No.2, the then Commissioner of Municipal

Corporation, Akola lodged a complaint on 31.03.2010 with City Kotwali, Akola Police Station alleging that under the Akola Municipal Corporation, government scheme under the name of "Sarva Shiksha Abhiyan Yojna" was being run, wherein subject experts appointed were paid remuneration from 17.03.2010 to 20.03.2010 by Deputy Commissioner Shri Umesh Kothikar and Education Officer Smt. Shahin Sultana. While making the said payment, the consent of non-applicant No.2 was not taken. Therefore, he raised an objection and called for an explanation with regard to the fact that appointment of subject experts was illegally done and various sanctions were not obtained. Non-applicant No.2 had not given his consent for payment of remuneration. In order to make enquiry, the file was called from Education Officer Smt. Shahin Sultana. The said file was not handed over by Smt. Shahin Sultana to non-applicant No.2. The aforesaid fact might have been informed by Smt. Shahin Sultana to the applicant, who was the then Corporator. Therefore, the applicant called non-applicant No.2 and questioned as to why he is conducting enquiry in the aforesaid matter and as to why he is creating problems for Smt. Shahin Sultana and thereby, threatened non-applicant No.2. On 31.03.2010, when non-applicant No.2 along with the other staff members and his bodyguard were going towards Sindhi Market, Sarafa Chowk, Akola for tax recovery, non-applicant No.2 was standing near Ambika Jewellers. The applicant came there and broke the front wind shield of their rented car using a baseball stick and caused damage of Rs.4000/-. The applicant abused non-applicant No.2, attempted to assault him and also threatened him for his life. Therefore, on his complaint, the aforesaid offences came to be registered against the applicant.

6. The present application has been filed for quashing of the FIR on the ground of settlement between the applicant and non-applicant No.2. Non-applicant No.2 has suo moto appeared through his counsel and filed his affidavit-in-reply, he is duly identified by his counsel. In the affidavit, non-applicant No.2 has contended that the matter has been settled between the parties. According to him, out of misunderstanding, the said FIR came to be lodged. Now, he does not want to prosecute the applicant and has no objection if the FIR and consequent chargesheet are quashed and set aside.

7. It appears that no injury has been caused to non-applicant No.2 in the alleged assault and hence, the offence cannot be termed as a heinous crime. Since, the matter has been settled between the parties, the chances of conviction are bleak and therefore, continuation of proceedings will be nothing but a futile exercise.

8. The Apex Court in the case of Gian Singh vs. State of Punjab, (2012) 10 SCC 303, has held as under :

"58. Where the High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled although 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 wrong doing that seriously endangers and threatens 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 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 Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and 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 victim and the offender and 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 F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of 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."

9. In view of the above, a case is made out for exercising the inherent powers of this Court under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 to quash the FIR and consequent proceedings. Accordingly, I proceed to pass the following order :

(i) The Criminal Application is allowed.

(ii) FIR (FIR) No.71/2010, dated 31.03.2010, registered with Police Station, City Kotwali, Akola for the offences punishable under Sections 353, 332, 294, 506 and 427 of the Indian Penal Code, 1860, read with Section 7 of the Criminal Law (Amendment) Act, 1932 and consequent Chargesheet No.76/2010, dated 25.08.2010, registered as Session Trial No.119/2025, pending before Principal District and Sessions Judge, Akola, against the applicant are hereby quashed and set aside.

(iii) The applicant shall deposit costs of Rs.20,000/- (Rs. Twenty thousand only) to be paid to Tiroda Bar Association, Tiroda, District Gondia for the development of its Library, within a week from the date of this order. The bank details of the Tiroda Bar Association are as under :

Account Name : Bar Association Tirora

Account No. : 594302010024631

IFSC No. : UBIN0559431

Bank name : Union Bank of India, Branch Tirora.

10. The criminal application is disposed of. Rule is made absolute.