



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CRIMINAL APPEAL NO. 830 OF 2025

Anuradha Alias Hirabai Arun Gondkar
VERSUS
 The State Of Maharashtra And Another
WITH
CRIMINAL APPEAL NO. 829 OF 2025

Nilesh Arun Gondkar
VERSUS
 The State Of Maharashtra And Another

...
 Mr. Kulkarni Rashmi S., Advocate for Appellant
 Mr. P. K. Kulkarni, APP for Respondent State
 Ms. Ashwini A. Lomte(Appointed), Advocate for Respondent No.2

CORAM : Y. G. KHOBRAGADE, J.
Dated : 5th February, 2026

PER COURT :-

1. Heard learned counsel for the respective parties.
2. In both these appeals, the appellants/accused have challenged the order dated 07.07.2025, passed below Exh.1 in Cri. Anticipatory Bail Application No. 99 of 2025 by the learned Special Judge (Atrocity), Rahata, District Ahilyanagar and thereby declined to enlarge both the appellants/accused on anticipatory bail in connection with Crime No. 351 of 2025 registered with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 351(2), (352, 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 06.11.2005, this Court passed an interim order and released both the appellants accused on anticipatory bail in connection with Crime No. 351 of 2025, on furnishing PR Bond of Rs.25,000/- each.

4. Needless to say that on 07.07.2025, Respondent No.2 informant appeared before the learned trial Court and filed a pursis Exh.8 stating that since she got married and now she is residing at her matrimonial house and decided to give up the dispute; hence, she has no objection to enlarge the accused on bail.

5. On 08.01.2026, this Court passed following order:

"1. Ms Karande, learned counsel holding for Ms Ashwini Lomte, seeks short accommodation on the ground of medical emergency of the arguing counsel.

2. Stand over to 22.01.2026.

3. Interim relief, if any, granted earlier to continue till then.

4. Learned counsel for the appellants tenders a copy of Notarized affidavit executed by respondent No.2 victim, stating that some compromise has been entered between her and the appellant accused. Therefore, she decided to withdraw all the complaints lodged against the appellant / accused and her son. The copy of said affidavit is taken on record.

5. Respondent No.2 / victim as well as the appellants shall remain personally present before this Court on the next date."

6. In pursuance of the said order, the appellants and Respondent no.2 victim are present before this court. In order to testify the correctness and truthfulness of the affidavit executed by respondent no2/informant, enquiry was made with the informant. The informant stated that she executed the said affidavit. The original affidavit which is executed by respondent no.2 before the Notary on 27.11.2025, is taken on record and marked 'X' for identification.

7. Leave granted to amend the prayer clause (B) in pursuance of the compromise terms.

8. On perusal of the affidavit 'X', it appears that the informant/respondent No.2 and appellants/accused in both these appeals have amicably settled the dispute in connection with Crime No. 351 of 2025 registered with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and so, they do not want to pursue the said complaint any further and the informant has no objection for releasing the appellants/accused on bail.

9. I have gone through the judgment dated 4th November, 2025 passed by the Allahabad High Court in **Criminal Appeal No. 9930 of 2024 (Rahul Gupta & Others v. State of U.P. & Anr.)**. The learned Single Judge of the Allahabad High Court considered the decision of the Hon'ble Supreme Court in ***Ramawatar v. State of M.P.***, (2022)13 SCC 635, wherein, in paragraph 17, the following observation was made:

"17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C."

The learned Single Bench of the Allahabad High Court also considered the Full Bench Judgment of the Allahabad High Court in case of **Ghulam Rasool Khan and others Vs. State of Uttar Pradesh and others, 2022 DGLS (Alld.) 1005**, wherein, it has been held that offence under the SC/ST Act may be compounded in a Criminal Appeal under Section 14-A(1) of the SC/ST Act and there is no need to take recourse of section 482 of the C.R.P.C.

10. In the case in hand, since the appellants/accused and respondent No.2/informant have amicably settled the dispute and compounded the offence in connection with Crime No. 351 of 2025 registered with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, it would be just and proper to quash and set aside the FIR in Crime No. 351 of 2025 registered against the present appellants/ accused with Shirdi Police Station, District Ahilyanagar as well the FIR in Crime No. 354 of 2025 registered against the present informant and her relatives with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 74, 333, 115 (2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita.

11. At this juncture, the learned counsel appearing for the appellants accused submitted that, as on today, the Investigating Officer has not submitted the charge sheet. Therefore, no question arises for discharge of the accused in Crime Nos. 351 of 2025 and Crime No. 354/2025.

12. Needless to state, the appellants/parties have invoked the police machinery as well as the court machinery, and after registration of the crime, have entered into a compromise. Therefore, having regard to the nature of the F.I.R. in both the appeals, it would be just and proper to direct the appellants–accused in Criminal Appeal No. 830 of

2025 and Criminal Appeal No. 829 of 2025 to jointly deposit costs of Rs.20,000/- (Rs.10,000/-each), before this court, to be paid to the informant/ respondent No. 2.

13. In view of the above discussions, following order is passed:

O R D E R

- (i) Both the Criminal Appeals are allowed.
- (ii) FIR in Crime No. 351 of 2025, registered with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita and under sections 3(1)(r), 3(1)(s) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well the FIR in Crime No. 354 of 2025 registered against the informant and her relatives with Shirdi Police Station, District Ahilyanagar for the offences punishable under sections 74, 333, 115 (2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita are hereby quashed and set aside.
- (iii) The appellants–accused in Criminal Appeal No. 830/2025 and Criminal Appeal No. 829/2025 are directed to jointly deposit Rs.20000/- (Rs.10,000/- each), before this Court. After the said cost amount is deposited, Respondent No.2/informant will be at liberty to withdraw the same.

(Y. G. KHOBRAGADE, J.)

JPChavan