



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 379 OF 2017

Gorakh s/o Raibhan Shinde and others
Versus
The State of Maharashtra and another

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Advocate for the appellant: Mr. Suresh P. Salgar h/f Mr. A.R. Devkate
Additional Public Prosecutor for respondent No.1: Mr. Shirish G.
Sangle

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 6th MAY, 2026

PER COURT :-

1. This appeal is filed against the judgment and conviction passed by the learned Additional Sessions Judge, Aurangabad by which the accused appellants are convicted for the offences punishable under Section 436 r.w. 34 of I.P.C. and sentenced to suffer S.I for five years and should deposit fine of Rs.2000/- each i/d to suffer S.I. for 20 days.

2. Learned advocate for the appellants submitted that the matter has been compromised and the impugned judgment and order of conviction and sentence deserves to be quashed and set aside as per the prayer of the appellants in criminal writ petition No. 1416 of 2025. The order dated 04.03.2026, passed by the Division Bench of this Court, in writ petition No.1416 of 2025, is reproduced as under:-



“1. Since the petitioners are seeking quashment of FIR and the proceedings at post conviction stage and the appeal against conviction is pending before the learned Single Judge, the matter can be heard by the concerned Court by invoking powers under Section 482 of the Code of Criminal Procedure 1973 in view of the judgment in the case of ***Ramawatar Vs. State of Madhya Pradesh reported in (2022) 13 Supreme court Cases 635*** and ***Ramgopal and Another vs. State of Madhya Pradesh and Anr. reported in (2011) 2 SCC (Cri) 145.***”

3. Considering the conditional order passed by this Court dated 27.04.2026, the appellants were directed to deposit Rs.10,000/- each i.e. total Rs.40,000/-, the said amount is deposited by demand draft dated 4.5.2026 in the Registry of this court. The directions are followed. The offence punishable under Section 436 r.w. 34 of I.P.C. is compoundable. The compromise is recorded. On the basis of the affidavit of the informant that the matter has been settled between them, the appeal therefore, deserves to be allowed. The impugned judgment and order deserves to be quashed and set aside. The F.I.R. and the charge sheet deserve to be quashed and set aside. Hence, the following order:-



O R D E R

- I. Criminal appeal is disposed of.
- II. The impugned judgment and order of conviction dated 10.08.2017, passed by the learned Additional Sessions Judge-7, Aurangabad, in Sessions Case No. 209 of 2013 is set aside.
- III. The F.I.R. No I-09 of 2013 registered with Deogaon Rangari Police Station, Tq. Kannad, District Aurangabad as well as the subsequent charge sheet filed in pursuance of the said F.I.R., are set aside.
- IV. The accused are acquitted of all the charges levelled against them.
- V. Bail bonds of accused and surety are discharged from liability.

(SANJAY A. DESHMUKH, J.)