



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

CRIMINAL APPLICATION (APL) NO. 708 OF 2025

Sheela Sanjay Ambade & Ors.

Vs.

The State of Maharashtra & Anr.

WITH

CRIMINAL APPLICATION (APL) NO. 709 OF 2025

Manisha Bhaskar Jadhav

Vs.

The State of Maharashtra & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.S. Ali, Counsel for the Applicants in APL No.708 & for Non-applicant No.2 in APL No.709/2025.

Mr. S.S. Ullah, Counsel for Applicant in APL No.709 & for Non-applicant No.2 in APL No.708/2025.

Ms. Sonia Thakur and Mr. I.J. Damle, A.P.Ps. for Non-applicant No.1.

CORAM : ANIL L. PANSARE AND M.M. NERLIKAR, JJ.

DATE : 29th JULY, 2025.

The issue whether charge-sheet could be quashed against one/some accused on the basis of compromise between informant and such accused is pending before the Hon'ble Supreme Court. So far as the said issue is concerned, we are of the view that charge-sheet could not be quashed against one out of many accused. The reason being if he is the prime accused, and if charge-sheet is quashed against him and trial continued against the co-accused, the trial will meet various challenges. The trial Court will be facing situation where the prime accused has been exonerated and trial against co-accused continued. The continuance of trial against co-accused will

have to be then justified. Another contingency is when there is evidence of discovery/recovery of articles/weapon at the instance of the prime accused under Section 27 of the Indian Evidence Act, 1872, which is something within the exclusive knowledge of the accused, and except for the said accused, who is best person to cross-examine witness, others may be deprived of effective cross-examination of the witness. There may be many more contingencies that may arise during trial which will introduce unseen challenges to the prosecution and also to the Court. We are thus of the view that the charge-sheet cannot be quashed on the basis of compromise against one/few accused.

2. List on 12th August, 2025 for further consideration.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

Vijaykumar