

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2456 OF 2015
IN
CRIMINAL APPLICATION NO. 1243 OF 2015**

Bharat Subhash Awate .. Applicant

Versus

The State of Maharashtra and Others .. Respondents

Shri Uday S. Malte, Advocate for the Applicant.

Shri S. P. Deshmukh, A. P. P. for the Respondent No. 1.

Shri Sachin S. Deshmukh, Advocate for the Respondent No.
3.

Respondent No. 4 served.

WITH

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Shri Rajkumar B. Dhaware, Advocate for the Respondent
No. 2.

Shri Sachin S. Deshmukh, Advocate for the Respondent No.
3.

Respondent No. 4 served.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

Date : 01ST DECEMBER, 2015.

PER COURT :-

1. Two complaints bearing F. I. R. Nos. 142 of 2014 and 144 of 2014 are filed as cross complaints. The complainant and accused in both these said cross complaints have filed a joint application bearing criminal application No. 2456 of 2015 for compounding the same and quashing the said F. I. R. The F. I. R. is registered for offence punishable under Section 307, 325, 323 and 504 of the Indian Penal Code.

2. As per the judgment of the Apex Court in a case of, **Narindar Singh and Others V/s. State of Punjab and Another** reported in **2014 (6) S. C. C. 466.** It is held that, offence under Section 307 is of heinous nature and the said offence is required to be compounded sparingly and in exceptional circumstances and if the Court comes to the conclusion that, chances of conviction are also remote.

3. We have seen the injury certificates. The injury certificates shows the injuries caused as simple injuries. The injuries are in the nature of contusions. Even the injuries of witness Wankhede appears to be of simple in nature. The complainant and accused of F. I. R. Nos. 142 of 2014 and 144 of 2014 are known to each other and they resides in the same city. So as to maintain cordial relations, so also, for peace and harmony, they have compounded the offences. The chances of conviction under Section 307 as

observed above is remote, as injuries are simple injuries.

4. Mr. Deshmukh, the learned counsel appearing for injured witnesses submits that, now as the matter is compounded between original complainant and the accused the witnesses also do not have any interest in the prosecution.

5. Considering the above, we accept the settlement. F. I. R. bearing Nos. 142 of 2014 and 144 of 2014 registered with Hingoli Police Station, Hingoli is quashed and set aside. Criminal applications accordingly disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/Dec. 15