

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

CRIMINAL APPLICATION NO.2187 OF 2015

Shaikh Burhan s/o Shaikh Hasan
and others ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. S.S. Kazi, Advocate for applicants
Mr. K.S. Patil, A.P.P. for respondent No.1/ State
Shri A.K. Bhosale, Advocate for respondent No.2
.....

WITH

CRIMINAL APPLICATION NO.2485 OF 2015

Abdul Gaffar Shaikh Kammu Patel
and others ... APPLICANTS

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Mr. A.K. Bhosale, Advocate for applicants
Mr. K.S. Patil, A.P.P. for respondent No.1/ State
.....

CORAM: S.S. SHINDE AND
 A.I.S. CHEEMA, JJ.

DATED: 17th July, 2015.

ORAL ORDER :

1. Heard learned counsel for the applicants and learned counsel for the complainant. With their able assistance, we have perused the averments in the application, grounds taken therein, reply filed by the respective respondents. We have also carefully perused the judgments in following cases :

- (1) Gian Singh Vs. State of Punjab & anr.
 [(2012) 10 SCC 303]
- (2) Narinder Singh & ors. Vs. State of Punjab & anr.
 [(2014) 6 SCC 466]
- (3) Dimpey Gujral w/o Vivek Gujral & ors. Vs.
 Union Territory Through Administrator, U.T.
 Chandigarh & ors.
 [AIR 2013 SC 518]

2. The learned A.P.P. appearing for the State has tendered across bar investigation papers. We have carefully perused the investigation papers. There are number of injuries sustained by complainant and other witnesses on both the sides. Upon perusal of the material placed on record, weapon used is

sword on both sides. The incident has taken place nearby mosque. Therefore, if the material placed on record is considered in the light of investigation papers, we do not deem it appropriate to exercise the discretion and allow the applications on the ground of settlement arrived between the parties. In that view of the matter, both the applications stand rejected. The Trial Court shall not get influenced by the observations made hereinabove.

(A.I.S. CHEEMA, J.)

(S.S. SHINDE, J.)

fmp/cr2187.15