

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

CRIMINAL APPLICATION NO. 2919 OF 2015

Abhishek s/o Hira Salampure ...Applicant

VERSUS

The State of Maharashtra & and another ...Respondents

AND

CRIMINAL APPLICATION NO. 4352 OF 2015

Rushikesh s/o Pramod Chaudhari and anr. ...Applicants

VERSUS

The State of Maharashtra and anr. ...Respondents

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Shri A.G.Kulkarni, advocate for applicant
Shri B.L.Dhas, A.P.P. for respondent no.1/State
Shri V.P.Kadam, advocate for respondent no.2

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**CORAM : A.B.CHAUDHARI
AND
INDIRA K.JAIN, JJ.**

DATED : 31st August, 2015

ORDER :

1] Heard learned counsel for the rival parties.

2] Rule. Rule made returnable forthwith. Heard with the consent of the learned counsel for the parties.

3] In these two applications, there are three applicants who are the accused persons in Crime No.I-72 of 2015, registered at Kranti Chowk Police Station, Aurangabad, for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code.

4] The complainant is represented by Shri V.P.Kadam, learned counsel. On his behalf, he submits that he has agreed for compounding of the offences registered against the three accused/applicants, namely (i) Abhishek s/o Hira Salampure (ii) Rushikesh s/o Pramod Chaudhari and (iii) Nikhil s/o Abarao Sambherao.

5] We have perused the first information report as well as the injury report. Looking to the injury report, we are satisfied that, prima facie, the offence under Section 307 of the Indian Penal Code may not be constituted.

6] Parties to these applications want to compound the offences for buying peace with the undertaking that the applicants would not indulge in such type of offences. We, therefore, think that the ratio in the case of **Gian Singh Vs**

State of Punjab, reported in (2012) 10 SCC 303 can be made applicable in this case. At the same time, since the criminal law was set in motion and since the applicants themselves have offered to make payment of compensation at Rs.5,000/- per applicant/accused, we make following order.

ORDER

- (i) Criminal Application Nos. 2919 and 4352 of 2015 are disposed of.
- (ii) Rule is made absolute in terms of prayer clause (see in both applications), subject to payment of costs in the sum of Rs.15,000/- with all the accused persons/applicants, within a period of four weeks with the office of the Commissioner of Police, Aurangabad.
- (iii) In case of default, this order shall stand cancelled.

[INDIRA K.JAIN, J.]

[A.B.CHAUDHARI, J.]

dbm/crap2919.15