

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

**CRIMINAL APPLICATION NO. 3443 OF 2015
WITH
CRIMINAL APPLICATION NO.3441 OF 2015.**

Criminal Application No.3441 Of 2015.

- (1) Manish Nilkanthrao Bharate.
Age : 42 Years, Occ.: Agriculturist.
- (2) Angad Tulshiram Walke.
Age : 38 Years, Occ.: Agriculturist.
- (3) Dattu Shivaji Bharate.
Age : 36 Years, Occ.: Agriculturist.
- (4) Sachin Nilkanth Bharate.
Age : 38 Years, Occ.: Agriculturist.
- (5) Kalyan Madhav Bharate.
Age : 80 Years, Occ.: Agriculturist.
- (6) Rajendra Lalasaheb Bharate.
Age : 35 Years, Occ.: Agriculturist.
- (7) Anil @ Pintu Gorakh Bharate.
Age : 34 Years, Occ.: Agriculturist.

All R/o.: Para, Taluka - Washi,
District - Osmanabad.

.. **APPLICANTS.**

VERSUS

- (1) The State of Maharashtra.
Through : Police Inspector.
Police Station, Washi,
Taluka - Washi, District – Osmanabad.
- (2) Baban Baliram Shingare.
Age : 27 Years, Occ.: Labourer.
R/o.: Para, Taluka - Washi,
District - Osmanabad.

.. **RESPONDENTS.**

Criminal Application No.3443 Of 2015.

- (1) Amol Bhagwat Gawali.
Age : 22 Years, Occ.: Agriculturist.
- (2) Vikas Kailas @ Kalyan Shingare.
Age : 30 Years, Occ.: Agriculturist.
- (3) Dattatraya Ashruba Shingare.
Age : 30 Years, Occ.: Agriculturist.
- (4) Kailas Tatyaba Shingare.
Age : 67 Years, Occ.: Agriculturist.
- (5) Baban Baluram Shingare.
Age : 27 Years, Occ.: Agriculturist.
- (6) Anil Dashrath Shingare.
Age : 23 Years, Occ.: Agriculturist.
- (7) Dattu Dadarao Gawali.
Age : 40 Years, Occ.: Agriculturist.
- (8) Sachin Bhausheb Shingare.
Age : 31 Years, Occ.: Agriculturist.
- (9) Amol Raosaheb Shingare.
Age : 40 Years, Occ.: Agriculturist.
- (10) Mahendra Kinchak Gawali.
Age : 40 Years, Occ.: Agriculturist.
- (11) Ramesh Khiraji Shingare.
Age : 40 Years, Occ.: Agriculturist.
- (12) Sindhu Baliram Shingare.
Age : 28 Years, Occ.: Agriculturist.
- (13) Sindhu Vikas Shingare.
Age : 40 Years, Occ.: Agriculturist.
- (14) Atul Chandar Chaudhari.
Age : 28 Years, Occ.: Agriculturist.
- (15) Mahesh Maharuddha Khole.
Age : 39 Years, Occ.: Agriculturist.

(16) Rajendra Pandurang Kashid.
Age : 41 Years, Occ.: Agriculturist.

(17) Prashant Sarjerao Shingare.
Age : 23 Years, Occ.: Agriculturist. .. **APPLICANTS.**

VERSUS

(1) The State of Maharashtra.
Through : Police Inspector.
Police Station, Washi,
Taluka - Washi, District - Osmanabad.

(2) Manish Nilkanthrao Bharate.
Age : 42ears, Occ.: Agriculturist.
R/o.: Para, Taluka - Washi,
District - Osmanabad. .. **RESPONDENTS.**

Mr. Shrikrashna B. Solanke, Advocate for Applicant in Criminal Application No.3443/15.

Mr. K.S. Patil, Additional Public Prosecutor for the State of Maharashtra.

Mr. S.S. Thombre, Advocate for Respondent No.2.

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

DATE : 10/09/2015.

ORDER :-

Rule. Rule is made returnable forthwith with the consent of the learned counsel for rival parties.

[2] In Criminal Application No.3443/15, there are 17 Applicants, who are the accused in Crime No.18/2015 registered with Police Station Washi, District - Osmanabad for the offences punishable under Section/s. 307, 326, 324, 143, 147, 148, 149 and 395 of the Indian Penal Code.

In Criminal Application No.3441/15, there are 7 Applicants, who are the accused in Crime No.17/2015 registered with Police Station Washi, District - Osmanabad for the offences punishable under Section/s. 307, 143, 147, 148, 149, 324, 506 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complainant / informant in both these Crimes have been made as Non-Applicants in these Applications, therefore, they are before this court.

[3] There is motion moved by both of them i.e. the Applicants - Accused and the Complainant/s in both these cases for compounding of the offences in alleged Crime Numbers. The ground is that, large number of villagers from the village having been arrayed as accused in these two Crime Numbers was significant, compelling the villagers to come together and decide to settle the dispute, in order to avoid any future conflict and also to achieve peace amongst the various communities in the village. That being so, the Complainants in both these cases as well as the accused have arrived at the final conclusion to settle the dispute amicably and having settled the same, in these two Applications, the learned counsel for the parties have moved the motion for compounding the offences, with prayer to this court to apply the decision in case of **Gian Singh V/s. State Of Punjab & Anr.**,¹

[4] Pursuant to the last order made by this court, affidavits sworn by injured persons and the Complainants by name Dattu s/o Dadarao Gawali and Ramesh s/o Khiraji Shingare have been tendered before us, by the learned counsel for the parties, which we have taken on record.

[5] The learned Additional Public Prosecutor has opposed the motion for compounding the offences on the ground that, offences are under Section 307 of the Indian Penal Code and, therefore, compounding should not be allowed.

[6] We have given careful thought to the submissions made by the learned Additional Public Prosecutor and we find that, large numbers of accused, belonging to rival groups in the village, are involved in both these Crimes. Not only that, Crime No.17/15 is in relations to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

[7] In our opinion, if the villagers have ultimately impressed upon the rival parties to settle the dispute, for keeping peace and tranquility in the village and to avoid any confrontation or conflict amongst the people and community at large in the village there is no reason to obstruct it. We therefore overrule the objection raised by the learned Additional Public Prosecutor.

[8] The learned Additional Public Prosecutor also prayed that, since criminal law was set into motion by the parties they should be directed to pay compensation to the Government.

We do not agree, since parties come from different communities and from the village and since large numbers of people are involved. Apart from the fact that, injuries are not grievous, in order to attract the offences of attempt to commit murder.

[9] The upshot of the above discussion is that, compounding of offences, as discussed above, ought to be allowed subject to both the rival parties to file affidavits in this Court stating therein that, in future they would not do any such thing, which shall vitiate the atmosphere in the village. Affidavits shall be filed within four weeks from today.

[10] The learned counsel for the parties stated that all 24 persons from the village, who are the Complainant as well as the Accused are present in the court. We believe and accept this statement made by learned counsel for the parties and record accordingly. That being so, we make the following order :-

ORDER

- (i) Rule is made absolute in terms of prayer clause (B) in both these Criminal Applications.
- (ii) No order as to costs.

[INDIRA K.JAIN, J.]

[A.B.CHAUDHARI, J.]