

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

**CRIMINAL WRIT PETITION NO. 1087 OF 2015**

Vishal Navneet Surpuria and ors.

...Petitioners

VERSUS

The State of Maharashtra & anr.

...Respondents

.....  
Shri A.P.Bhandari, advocate for petitioner  
Shri M.M.Nerlikar, A.P.P. for respondent/State  
Shri A.S.Gandhi, advocate for respondent no.2  
.....

**WITH**

**CRIMINAL WRIT PETITION NO. 1088 OF 2015**

Rajendra Takhatmal Gugale and ors.

...Petitioners

VERSUS

The State of Maharashtra & anr.

...Respondents

.....  
Shri A.S.Gandhi, advocate for petitioners  
Shri M.M.Nerlikar, A.P.P. for respondent/State  
Shri A.P.Bhandari, advocate for respondent no.2  
.....

**CORAM : A.B.CHAUDHARI & INDIRA K.JAIN, JJ.**  
**DATED : 4th SEPTEMBER, 2015**

**ORDER :**

1] Following is the prayer in prayer clause 'B' of the present petition.

“(B) By appropriate writ, order or direction, the FIR in Crime No.I-40 of 2015, dated 23.03.2015, registered with the Sonai Police Station, Tal. Newasa, Dist. Ahmednagar, for the offences punishable under section 395, 307, 341,143, 147, 148, 149, 504, 506 of Indian Penal Code, section 3 & 25 of Arms Act and section 37(1)(3) r/w 135 of the Bombay Police Act, be quashed.”

Crime No. I-40 of 2015, dated 23.3.2015 for the offences punishable under Sections 395, 307, 341, 143, 147, 148, 149, 504, 506 of the Indian Penal Code was lodged by Vishal Surpuriya.

2] Following is the prayer in prayer clause 'B' of the present petition.

“(B) By appropriate writ, order or direction, the FIR in Crime No.I-39 of 2015, dated 23.03.2015, registered with the Sonai Police Station, Tal. Newasa, Dist. Ahmednagar, for the offences punishable under section 395, 307, 341,143, 147, 148, 149, 504, 506 of Indian Penal Code, section 3 & 25 of Arms Act and section 37(1)(3) r/w 135 of the Bombay Police Act, be quashed.”

Crime No. I-39 of 2015, dated 23.3.2015 for the offences punishable under Sections 395, 307, 341, 143, 147, 148, 149, 504, 506 of the Indian Penal Code was lodged by Vishal Surpuriya.

3] In Crime No. I-40 of 2015 there are nine accused persons who are applicants before this court; while respondent no.2 is the complainant.

In Crime No. I-39 of 2015 there are seven accused persons who are applicants before this court; while respondent no.2 is the complainant.

There are thus counter first information reports registered by police station in the month of March, 2015 against both the parties.

4] We have perused the first information reports in both the cases. Learned Additional Public Prosecutor, however, submits that the allegations are about use of Deshi Katta, stones and therefore, the offences are serious and he would like to verify about it.

5] Upon perusal of the first information reports in both the cases, we find that really speaking no offences of dacoity as alleged are made out, but then allegations seem to have been made out by rival groups purely out of the dispute amongst themselves in relation to the election to the Cooperative Sugar Mill. Thus, at the face value, the allegations in both these complaints, if seen carefully, reveal nothing like dacoity as alleged.

6] The parties to Crime Nos. I-40/2015 and I-39/2015 have thus filed application for compounding of the offences, and the counsel states, as yet charge sheet has not been filed in both these cases. Since the parties to these both crimes know each other very well and they want to buy peace, we are inclined to allow them to compound the offences in question in the light of ratio in the case of **Gian Singh vs State of Punjab and another [(2012) 10 SCC 303]**.

7] However, since both the parties set the criminal law in motion, they have agreed to make payment towards compensation @ Rs.10,000/- per person to the Home Department of the State

through the Superintendent of Police, Ahmednagar. We think, each of the applicants would pay Rs.10,000/- per person to the office of the Superintendent of Police, Ahmednagar. Hence, we make the following order.

**ORDER**

- (I) Rule is made absolute in terms of prayer clauses (B) and (C) in both these petitions, subject to payment of costs of Rs.10,000/- by each of the applicants to the office of the Superintendent of Police, Ahmednagar, within a period of eight weeks from today.
- (ii) Any default in making payment as above, shall result into automatic recall of this order.

**[INDIRA K.JAIN, J.]**

**[A.B.CHAUDHARI, J.]**

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