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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5179/2015

Samadhan Ranjit Jadhav & others.
...Applicants..

Versus

The State of Maharashtra
& two others.
...Respondents...

.....

Shri S.J. Salunke, Advocate for applicants.
Shri B.L. Dhas, APP for respondent no.1.
Shri Sanjay A. Wakure, Advocate for respondent nos.2 & 3.

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

DATE: 01.10.2015

ORDER :

1] Heard learned counsel appearing for the parties.
Rule. Rule is made returnable forthwith and the
application is taken up for hearing with the consent of
learned counsel for the parties.

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2] The learned counsel for the parties to this application have invited our attention to the FIR as well as the affidavits annexed with the application wherein there is prayer for compounding of the offences. The learned counsel for the applicants submitted that no offence u/s 326 of the Indian Penal Code, 1860, as stated in the FIR, can be made out looking to the injury report and at the most, the offence u/s 324 of the Indian Penal Code can be said to have been committed.

3] The learned counsel for the complainant also supports the case of the applicants for compounding of the offences. We have seen the injury report so also the FIR. It is true that a sword was used for assaulting the complainant, but then looking to the nature of injury, we do not think that any offence u/s 326 of the Indian Penal Code would be made out. Be that as it may. The request is made for compounding because the contesting parties to the application are blood relatives viz. The real brothers. We, therefore, think that in order that there is no further straining of relations, the compounding should be allowed in the light of ratio laid down in the case of *Gian Singh v. State of Rajasthan & another*

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[(2012) 10 SCC 303]. Hence, we make the following order.

ORDER

Rule is made absolute in terms of prayer clause (B).
No order as to costs.

(INDIRA K. JAIN, J.)

(A.B. CHAUDHARI, J.)