

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1239 OF 2015

- 1) Ramesh Vitthal Pawar,
Age-42 years, Occu:Agri.,
- 2) Dnyandeo Vitthal Pawar,
Age-51 years, Occu:Agri.,
- 3) Bapu @ Gulab Vitthal Pawar,
Age-48 years, Occu:Agri.,
- 4) Rahul Dnyandeo Pawar,
Age-26 years, Occu:Agri.,
- 5) Vikram Bapu @ Gulab Pawar,
Age-22 years, Occu:Agri.,

All R/o-Siddhatek, Tq-Karjat,
Dist-Ahmednagar.

...PETITIONERS
(Orig. Accused)

VERSUS

- 1) The State of Maharashtra,
- 2) Arun s/o Gangaram Bhosale,
Age-53 years, Occu:Agri.,
R/o-Berdi, Tq-Karjat,
Dist-Ahmednagar.

...RESPONDENTS

...
Mr.N.B. Narwade Advocate for Petitioners.
Mr.K.S. Patil, A.P.P. for Respondent No.1.
Mr.N.B. Patekar Advocate for Respondent No.2
...

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

DATE : 7TH OCTOBER, 2015

ORAL ORDER :

1. Rule, made returnable forthwith. With the consent of the learned counsel for the rival parties, taken up for final hearing. The counsel for respective Respondents waive service of notice.

2. Following is the prayer clause (B) in this Petition:-

"(B) That, by issuing appropriate writ or direction in the like nature, the proceeding of R.C.C. No.203 of 2013 pending before the Ld. J.M.F.C. Karjat, for the offence punishable u/sec. 143,

147, 148, 149, 326, 324, 323, 504, 506 of I.P.C. & U/s. 37(1)(3) / 135 of Bombay Police Act may kindly be quashed and set aside and petitioner and Respondent No.2 may kindly be permitted to compounding the offence with permission of this Hon'ble High Court."

3. The F.I.R. was lodged at the instance of Respondent No.2 - Arun s/o Gangaram Bhosale. The parties are present with their counsel. The Petitioners- accused so also the complainant - Respondent No.2 have prayed for compounding of the offences in question. Affidavit of Respondent No.2 i.e. complainant has been filed on record and it is stated in Paras 4 and 5 of the affidavit that the Petitioners and Respondent No.2 have decided to settle the dispute inter-se and henceforth they would live peacefully and have cordial relations. Therefore they should be allowed to compound the offences in question and consequently prayed for

quashing of the F.I.R.

4. Learned counsel for the contesting parties submit that the Petitioners and Respondent No.2 are the agriculturist from Taluka Karjat and therefore in order to have peaceful relations amongst them, they should be allowed to compound the offences.

5. We have heard learned counsel for the rival parties, who are present in the Court. We have perused the affidavits. We are satisfied that compounding of offences as prayed for, should be allowed in terms of the parameters laid down in the case of **Gian Singh vs. State of Punjab and another reported in (2012) 10 S.C.C. 303**. However the fact remains that the Petitioners had set the criminal law in motion and police machinery was required to register the F.I.R. and conduct the investigation. That being so, the Petitioners are liable to pay compensatory cost to the Office of

the Superintendent of Police, Ahmednagar in the sum of Rs.10,000/- (Rupees Ten Thousand) per Petitioner. In the result, we make the following order:-

O R D E R

(I) Criminal Writ Petition No.1239 of 2015 is allowed.

(II) Rule is made absolute in terms of prayer clause (B) of the Petition, subject to payment of compensatory cost of Rs.10,000/- (Rupees Ten Thousand) by each of the Petitioner to be deposited in the Office of the Superintendent of Police, Ahmednagar within SIX WEEKS from today.

(III) In case of default of payment within stipulated period, the order

shall stand recalled, automatically.

[INDIRA K. JAIN, J.]

asb/OCT15

[A.B. CHAUDHARI, J.]