

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 1333 OF 2015

1. Balasaheb S/o Fakirrao More,
Age: 38 years, Occu: Business,
R/o. Flat No.2, Sai Kamal Apartment,
Deshmukh Nagar, Garkheda Parisar,
Aurangabad, Tq. & Dist. Aurangabad.
2. Dattu S/o. Fakirrao More,
Age- 36 years, Occu: Service,
R/o : R. H. No.1, Laxmi Vihar,
Deolai Road, Aurangabad,
Tq. & Dist. Aurangabad.

... PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Jawahar Nagar Police Station,
Aurangabad, Tq. & Dist. Aurangabad.
2. Prabhakar s/o Laxman Patil,
Age : 51 years, Occu: Service,
R/o. Suyog Complex,
Deshmukh Nagar, Garkheda Parisar,
Aurangabad, Tq. & Dist. Aurangabad.

... RESPONDENTS

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Mr. N. L. Choudhari, Advocate for the Petitioners.

Mr. S. B. Yawalkar, APP for Respondent No.1 / State.

Mr. A. S. Pathak, Advocate a/w Mr. S. P. Salgar, Advocate for Respondent No.2.

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

DATE : 21st October, 2015.

ORAL JUDGMENT: (Per A. B. Chaudhari, J.)

. Rule. Rule made returnable forthwith. With the consent of learned counsel for the rival parties, the criminal writ petition is taken up for final hearing.

2 Following is the prayer clause (A) in the present writ petition:

“A. This Hon'ble Court may kindly be quash and set aside criminal proceeding bearing Sessions Case No. 175/2012 pending before Ld. Additional Session Judge Aurangabad arising out of C.R. No. I-54/2011 registered with Jawahar Nagar Police Station, Aurangabad, for the offences punishable U/s. 307, 452, 143, 147, 148, 323, 504, 506 of Indian Penal Code, on the basis of compromise arrived between the parties and in view of the judgment and order passed by the Hon'ble Supreme Court of Indian in case of ***Narinder Singh and others Vs. The State of Punjab and another reported in (2014) 6 S.S.C. 466.***”

3 The learned counsel for Respondent No.2 / complainant filed affidavit. It is a joint affidavit of Accused in the FIR as well as the

complainant, at Exhibit-C. We have perused the affidavit duly signed by the parties to the writ petition. They are identified by their respective counsel. We have seen the injury report. Looking to the fact that the injuries are in the nature of contused wounds, we think the compounding of the offence can be allowed. That being so, we think that this is the fit case to invoke the powers of this Court within the parameters of the decision of the Apex Court in the case of **Gian Singh Vs. State of Punjab and another**, reported in, **[2012 (10) SCC 303]**. Hence, we make the following order:

ORDER

- I. Rule is made absolute in terms of prayer clause (A) of this criminal writ petition.
- II. No cost.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

ndm