

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3215 OF 2015

Mr. Rajendra Machindra Pardeshi ..Petitioner.

Versus

The State of Maharashtra & Anr. ..Respondents.

Mr. Harshad Sathe, advocate for petitioner.

Mr. K.V.Saste, APP for the State.

Mr. Harshwardhan Salgaonkar, advocate for respondent no.2.

Coram : RANJIT MORE &

V. L. ACHLIYA, JJ.

Date : **28th AUGUST, 2015.**

P. C. :

This petition is filed for quashing the F.I.R bearing C.R.No. I-310 of 2015 registered with Naupada Police Station for the offences punishable under Sections 141, 142, 143, 144, 145, 146, 147, 148, 149, 324, 427, 307 r/w Section 34 of the Indian Penal Code, 1860 filed by respondent no.2 against the petitioner.

2 Petitioner is an accused along with six other persons for the said offences. Respondent no.2 is complainant. Quashing of the subject F.I.R. is sought by consent of the respondent no.2.

3 The learned counsel for the petitioner took us through F.I.R. and relevant documents annexed to the petition. He relied upon the decision of the Apex Court in **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**. The learned APP, however, vehemently opposed the petition. He also relied upon the decision in **Narinder Singh (Supra)**. The learned APP submitted that petitioner has antecedents and, therefore, subject F.I.R. cannot be quashed even by consent.

4 The Apex Court in **Narinder Singh (Supra)** has held that the offences under Section 307 of the IPC would fall in the category of heinous and serious offences and, therefore, is to be generally treated as crime against the society and not against the individual alone. The Apex Court further held that the High Court would not rest its decision merely because there is mention of Section 307 of the IPC in F.I.R. or the charge is framed under that provision and it would be open to the High Court to examine as to whether incorporation of Section 307 of the IPC is there for the sake of it or the prosecution has collected sufficient evidence which if proved would lead to proving the charge under Section 307 of the IPC. We,

accordingly, have gone through the F.I.R. and the remand reports copy of which are annexed with the petition. Material collected during the investigation do show that petitioner attempted to commit murder of respondent no.2 by throttling. Following crimes were registered against the petitioner in past:

Sr. No.	Name of the Police Station	C.R. Nos. and Sections
1	Bhayander Police Station	362/1998 Sec. 302 r/w. Sec. 34 of I.P.C.
2	Kalva Police Station	178/2002 Sec.302 of I.P.C., Sec. 25(1) of Indian Arms Act.
3	Wagale Police Station	1) 249/2003 Secs. 324, 506, 504, 427 r/w. Sec. 34 of I.P.C. 2) 216/2003 Sec. 307 r/w. Sec. 34 of I.P.C. Sec.25 (1) of Indian Arms Act.
4	Kopari Police Station	64/2004 Secs. 451, 364, 384 of I.P.C. Sec. 25 (1) of Indian Arms Act .
5	Thane Nagar Police Station	1) 86/2004 Secs. 364, 302, 386, 143 to 149, 201 of I.P.C. 2) 65/2006 Secs. 384, 385, 386, 387, 506 (2) r/w. Sec. 34 of I.P.C.
6	Rabale Police Station	226/2004 Sec. 302 r/w. Sec. 34 of I.P.C. with Secs. 3, 25 of Indian Arms Act.
7	Naupada Police Station	226/2010 Sec. 307 r/w. Sec. 34 of I.P.C. Sec.25 A of Indian Arms Act with Sec. 37(1) 135 of Maharashtra Police Act, Secs. 3(1), 3(2), 3(4) of M.C.O.C. Act, 1999.

5 The counsel submits that petitioner has been acquitted in the first six CR s and C.R. At Sr.No.7 is pending. Fact remains that petitioner is history sheeter.

6 Taking totality of the facts and circumstances into consideration, we are not inclined to exercise our discretion to quash the subject F.I.R. against the petitioner even by consent of the respondent no.2.

7 Petition, accordingly, stands dismissed.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]