

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 767 OF 2015

(Mr. Sachin s/o Prakash Somkuwar & Ors. vs. State of Maharashtra thr. PSO, PS Ambazari,
Nagpur)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
NOVEMBER 30, 2015.**

Heard Shri Vyas, learned counsel for the applicants and Shri Ghurde, learned APP for the respondent.

The joint application by the complainant and accused under Section 482 of Criminal Procedure Code seeks quashing of FIR No. 287 of 2015 under Section 307 read with Section 34 of the Indian Penal Code.

Shri Vyas, learned counsel appearing for the applicants states that the alleged offence has got no public element to it and the ingredients of Section 307 of IPC are not made out. According to him, even Section 326 of IPC may not be attracted.

The learned APP opposes any intervention by this court. He points out that a grave and serious offence, which is against public, has been found to be committed by applicants No. 1 & 2.

With the assistance of learned counsel, we have perused the papers. The Doctor's certificate, on the basis of which offence has been registered, shows that there was a lacerated wound on right hand palm, a large horizontal abrasion on middle of back and

abrasion over medial aspect of knee joint. The injury certificate is issued by Dande Hospital on 26.10.2015.

In this situation, we find substance in the contention of Shri Vyas, learned counsel.

A copy of order dated 30.10.2015 passed by this Court on an application under Section 438 of Criminal Procedure Code is also shown to us. The learned APP then representing State in that matter, had also fairly stated that prima facie prosecution for offence under Section 307 of Indian Penal Code was not possible.

In this situation, we accept the prayer as made. Accordingly, Rule is made absolute in terms of prayer clause (ii). FIR No. 287 of 2015 is set aside.

JUDGE

JUDGE

*GS.