

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3122 OF 2016

Javed S/o. Yusuf Khan & Ors. .. Applicants

Versus

The State of Maharashtra & Ors. .. Respondents

.....  
Mr N. B. Narwade, Advocate for the applicants  
Mr A. R. Borulkar, AGP for respondent/State  
Mr G. R. Syed, Advocate for respondent No. 2  
.....

WITH  
CRIMINAL APPLICATION NO. 3123 OF 2016

Hamaza s/o Mobin Khan & Ors. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

.....  
Mr G. R. Syed, Advocate for applicants  
Mr A. R. Borulkar, AGP for respondent/State  
Mr N. B. Narwade, Advocate for respondent No. 2  
.....

**CORAM : A.V.NIRGUDE &  
V.L. ACHLIYA, JJ.**

**DATED : 19.07.2016.**

**PER COURT :**

1. Both these applications seek quashing of Crime Nos. 31/2016 and I-26/2016 registered with Bhingar Camp Police Station, Ahmednagar. Offences were registered on 15.03.2016. In one case offence of rioting with deadly weapon and causing injuries is alleged and in other case, rioting and attempt to commit murder is alleged. Incident took place due to a dispute between two families staying in neighbourhood. On both the sides, there are injured persons. Out of these injured persons, injury caused to Mobin Bashir Khan was of serious nature. He sustained a blow of stick like weapon on his head which caused fracture to his skull. Due to timely medical help, he survived.

2. All the injured persons have come before this Court today except one and have filed affidavits stating that they are agreeable for quashing of the complaints despite their injuries etc. We specifically asked Mr Mobin Bashir khan as to whether his affidavit is voluntary and he would not like to continue with the prosecution. He said to us that, in view of the piece in future, he has taken a conscious decision not to continue with this case. Along with these parties, some other

neighbours are also present in the Court. This indicates that, due to timely intervention of elders and respectable citizens, the parties have settled the dispute. Nonetheless, we cannot readily accept a case of this nature for quashing because of serious injuries and there is also possibility of conviction. However, taking into consideration the facts and circumstances of this case, we are of the considered view that, we would accept the plea of compounding and quashing the proceedings.

3. The Supreme Court in the judgment of **Narindersingh and others Vs. State of Punjab** reported in 2014(6) SCC 466 enumerated various principles to be followed in a situation of this nature. The Supreme Court held that, offence under Section 307 is a serious offence and is always an offence against the society. Nonetheless, the Supreme Court showed latitude for the High Court to accept the plea of compounding in appropriate cases. One of the reasons why we would accept this plea in this case is that, it would result in harmony between the neighbours and it would also improve their future relationship. If the parties have decided not to prosecute each other then at the time of trial they would be constrained to speak lie and the possibility of conviction would be bleak. Instead of putting the parties in such a

problem, we are inclined to allow both the applications in terms of prayer clause 'B' of the applications.

4. We are, however, putting the parties to terms for showing this indulgence. Both the sides shall deposit Rs. 25,000/- each in this Court as costs. This costs shall be paid to the High Court Legal Services Sub-Committee, Aurangabad, within a period of two weeks from today.

5. Applicant in Criminal Application No. 3122 of 2016 shall, in addition, pay Rs. 50,000/- to victim Mobin Bashir Khan within a period of two weeks from today. In case of failure, the order shall stand vacated automatically without further reference to the Court.

**[ V. L. ACHLIYA ]**  
**JUDGE**

**[ A. V. NIRGUDE ]**  
**JUDGE**