

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

908 CRIMINAL WRIT PETITION NO. 1596 OF 2016

ANAND S/O BHAUSAHEB BHALEKAR AND ANR
VERSUS

YOGESH S/O TULSHIRAM PATHADE AND ANR

...

Advocate for Petitioners : Mr. Deshmukh H. D.
APP for Respondent State: Mr. A. V. Gondhalekar
Advocate for Respondent No.1 : Mr. Mukul S. Kulkarni

WITH

908 CRIMINAL WRIT PETITION NO. 1597 OF 2016

BABLU TULSHIRAM PATHADE AND OTHERS
VERSUS

ANAND S/O BHAUSAHEB BHALEKAR AND ANR

...

Advocate for Petitioners :Mr. Mukul S. Kulkarni
APP for Respondent State: Mr. A. V. Gondhalekar
Advocate for Respondent No.1 : Mr. Deshmukh H. D.

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 21st December, 2016

ORDER:

1. The present petitions are filed for quashing the complaints. The parties have compounded the matter and have filed their respective affidavits in the writ petitions. FIR No.0145/2016 is registered with MIDC Cidco Police Station, Aurangabad for the offences punishable under sections 395, 341, and 506 of the Indian Penal code. The said complaint is filed by Yogesh Tulshiram Pathade against the accused i.e. the

petitioners in Writ Petition No. 1596/2016, whereas FIR bearing Crime No.I-99/2016 is registered with Chikalthana Police Station, Aurangabad for offences punishable under sections 307 and 323, 506 read with section 34 of the Indian Penal Code. The said complaint is filed by one Anand Bhalekar against the accused persons i.e. petitioners in Criminal Writ Petition No. 1597 of 2016.

2. Mr. Kulkarni and Mr. Deshmukh, the learned counsel for the respective parties submit that the complaints came to be lodged on account of misunderstanding. The accused and the complainants in both the complaints know each other well. To maintain the peace and tranquility, they have settled the matter. The injuries sustained are simple injuries, even as per the Medical certificate. As such, the offence be allowed to be compounded.

3. The learned APP submits that these persons have set the police machinery in motion and these persons are to be penalized for the same.

4. The complainant and accused except one in Criminal Writ Petition No.1596/2016 are present before the Court. They admit the contents of their respective

affidavits. They are identified by their Advocates.

5. In one of the complaints, offence under section 307 IPC is registered. The same, no doubt is a serious offence and the court would be slow in allowing compounding of such an offence.

6. We have considered the medical certificate. The injuries sustained are only lacerated wound, contused wound amounting to simple injuries. The matter is at very incipient and nascent stage. Even if the complaint is taken as it is and the medical certificate are perused, prima facie it does not appear that offence under section 307 is made out.

7. The parties are known to each other, they reside within same vicinity. Considering all aforesaid aspects of the matter, we are inclined to permit the parties to compound the offence. However, the parties will have to be mulct with some costs for having put the police machinery in motion. In the result, we pass following order:

O R D E R

- i. The Complaint bearing FIR No.0145/2016 registered with MIDC, CIDCO Police Station, Aurangabad on

01.05.2016 for the offence punishable under sections 395, 341 and 506 of the Indian Penal Code and the Complaint bearing Crime No.I-99/2016 registered with Chikalthana Police Station, Aurangabad for the offence punishable under sections 307 and 323, 506 read with section 34 of the Indian Penal Code on 02.05.2015 are quashed and set aside.

- ii. The complainants in both the complaints shall pay an amount of Rs.10,000/- each in respective police stations for being deposited in Police Welfare Fund.

8. Criminal Writ petitions are accordingly disposed of.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC