

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

CRIMINAL APPLICATION NO. 2776 OF 2017

Gajanan s/o Ganeshrao Hake

..Applicant

Versus

The State of Maharashtra,
through the police Station Officer,
Aundha Nanath Police Station,
Aundha Nagnath, Dist.Hingoli
and anr.

..Respondents

Mr Dr. S.D. Tawshikar, Advocate for applicant

Mr S.J. Salgare, A.P.P. for respondent no.1

Mr S.M.A. Jahagirdar, Advocate for respondent no.2

**CORAM : S.S. SHINDE AND
A.M. DHAVAL, JJ**

DATE : 10th August 2017

PER COURT

1. Heard the Counsel appearing for the applicant, learned A.P.P. for State and learned Advocate for respondent no.2.

2. We have carefully perused the affidavits, contents of the first information report, investigation papers made available by the learned A.P.P. and also the affidavit filed by respondent no.2 and also undertaking placed on record by the applicant.

3. Upon careful reading of the allegations made in the first information report and also the investigation papers, it prima facie appears that there was serious attempt by the applicant to kill respondent no.2 by administering the poison.

3. In that view of the matter, keeping in view the parameters laid down by the Supreme Court in the judgment in **Gian Singh v. State**

of Punjab, reported in **(2012) 10 SCC 303** and also in the matter of **Narinder Singh and ors., Vs. State of Punjab and ors.**, reported in **(2014) 6 SCC 466**, we are not able to proceed ourselves to quash the first information report on the basis of alleged settlement/compromise. Hence, the application stands rejected.

4. The observations made herein above are prima facie in nature and confined to the adjudication of the present application only.

(A.M. DHAVAL, J.)

(S.S. SHINDE, J.)

vvr