

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

CRIMINAL APPLICATION NO.2963 OF 2017

Parasram s/o Babu Gaikwad
and ors.

..Applicants

Versus

The State of Maharashtra
through the Police Sub Inspector,
Chalisgaon Gramin Police Station,
Taluka Chalisgaon, Dist.Jalgaon
and anr.

..Respondents

Mr Parekh Patil, Advocate h/f Mr S.D. Nagode, Advocate for applicants
Mr K.N. Lokhande, A.P.P. for respondent no.1
Mr Ujwal S. Patil, Advocate for respondent no.2

- with -

CRIMINAL APPLICATION NO.2962 OF 2017

Padma s/o Rama Rathod
and ors.

..Applicants

Versus

The State of Maharashtra
through the Police Sub Inspector,
Chalisgaon Gramin Police Station,
Taluka Chalisgaon, Dist.Jalgaon
and anr.

..Respondents

Mr Ujwal S. Patil, Advocate for applicants
Mr K.N. Lokhande, A.P.P. for respondent no.1
Mr Parekh Patil, Advocate h/f Mr S.D. Nagode, Advocate for
respondent no.2

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

DATE : 10th August 2017

PER COURT

1. In both the applications, it is the contention of the Counsel appearing for the applicants and respondent no.2 that the parties have amicably settled the dispute with the intervention of elderly

persons in the village. Therefore, on the basis of the settlement/compromise arrived at between the parties, it is prayed that the first information reports may be quashed. In support of contention that, though the offence is punishable under Section 307 of the Indian Penal Code in that case also first information report can be quashed. Learned Counsel appearing for the applicants placed reliance upon the principles laid down in paragraph 29 of the judgment of Supreme Court in the case of **Narinder Singh and ors., Vs. State of Punjab and ors.**, reported in **(2014) 6 SCC 466**. Learned Counsel submits that even in the facts of that case, there were three grievous injuries sustained by the victim, however, the Supreme Court while disposing of the matter accepted the settlement to secure the needs of justice and quashed the F.I.R. so as to prevent abuse of process of the court.

3. Learned A.P.P. submits that Crime No.30 of 2017 is registered for the offences punishable under Sections 307, 341, 324, 323, 504, 506 read with 34 of the Indian Penal Code and also under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He submits that keeping in view the injuries sustained by the informant in Crime No.30 of 2017, and the said injuries are on vital part of the body, the first information report may not be quashed on the basis of alleged compromise between the parties.

4. Upon hearing the respective Counsel appearing for the private parties and learned A.P.P. for the State and on careful perusal of the investigation papers and in particular the weapons used by the

accused in Crime No.30 of 2017 and the injuries sustained by the victim on the vital part of the body and also one of the alleged offence is under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, we are not inclined to quash the first information report on the basis of alleged settlement/compromise.

5. For the reasons aforesaid, the prayer for quashing the first information report on the basis of alleged settlement/compromise stands rejected.

6. Even on considering the prayer of applicants on merits, we are not inclined to quash the first information report.

7. For the reasons aforesaid, both the applications stand rejected.

8. The observations made herein above are prima facie in nature and confined to the adjudication of present applications.

9. At this stage, learned Counsel appearing for the applicants in Criminal Application No.2962 of 2017 prayed for continuation of ad interim relief, which is in force during the pendency of the application. However, learned A.P.P. strongly opposed the prayer. We are not inclined to continue the said relief any further, hence, said prayer stands rejected.

(A.M. DHAVAL, J.)

(S.S. SHINDE, J.)