



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4352 OF 2022

1. Bapu Dayaram Patil
2. Aba Dayaram Patil
3. Natthu Dayaram Patil
4. Mukundrao Hilal Patil
5. Suresh Mukundrao Patil
6. Sambhaji Mukundrao Patil
7. Mukesh Aba Patil
8. Vijay Natthu Patil

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Roshan Machindra Patil

..RESPONDENTS

...
Advocates for Applicants : Mr.Sayed Azizoddin R.
APP for the Respondent/State : Mr.A.R. Kale
Advocate for respondent no.2 : Mr.Raje Vikrant P.

....
WITH

CRIMINAL APPLICATION NO. 2801 OF 2023

1. Dnyaneshwar Sukhdev Patil
2. Machhindra Yashwant Patil
3. Roshan Macchindra Patil
4. Gulab Yashwant Patil
5. Suresh Yashwant Patil
6. Amrut Popat Patil
7. Pradeep Gulab Patil
8. Narendra Ramchandra Patil
9. Ramchandra Yashwant Patil
10. Bhushan Machhindra Patil
11. Ravindra Gulabrao Patil
12. Sharad Ramchandra Patil
13. Rahul Suresh Patil
14. Pravin Amrut Patil
15. Deepak Amrut Patil

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Mukesh Aba Patil

..RESPONDENTS

...
Advocates for Applicants : Mr.Raje Vikrant P.
APP for the Respondent/State : Mr.A.R. Kale
Advocate for respondent no.2 : Mr.Sayed Azizoddin R.

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATED : 04th DECEMBER, 2023.

ORDER (PER Sanjay A. Deshmukh, J.) :-

1. Criminal Application No.4352 of 2022 is filed for quashing First Information Report (FIR), being Crime No.194 of 2012 registered with Nandurbar Taluka Police Station, Dist. Nandurbar, for the offence punishable under sections 324, 307, 326, 143, 148, 149, 504 and 506 of the Indian Penal Code and consequential Sessions Case No. 37 of 2013 pending in the Court of Sessions Court, Nandurbar.

2. Criminal Application No.2801 of 2023 is filed for quashing F.I.R., being Crime No.192 of 2012 registered with Nandurbar Taluka Police Station, Dist. Nandurbar, for the offence punishable under sections 323, 324, 143, 147, 149, 504 and 506 of the Indian Penal Code and consequential Sessions Case No. 20 of 2017 pending in the Court of Sessions Court, Nandurbar.

3. The applicants have compromised their matter. Respondent

No.2, in respective applications namely Roshan Machindra Patil and Mukesh Aba Patil have filed their affidavits that they have amicably settled their disputes.

4. The learned advocate for the applicants submits that the applicants in Criminal Application No. 4352 of 2022 have been prosecuted for the offence punishable under section 307 of the Indian Penal Code, however, matter is amicably settled and there are no chances of conviction as well as considering the relationship between the parties, it would be proper to allow the application in the interest of justice. For that, he is relying upon the precedential law laid down by the Hon'ble Supreme Court in the case of ***Narinder Singh and others Vs. State of Punjab and others*** reported in ***MANU/SC/0235/2014***, in which, it is held that it would be permissible for the High Court to accept the plea of compounding, if chances of conviction are bleak, when application under section 482 of the Criminal Procedure Code for quashing the offence punishable under section 307 of the Indian Penal Code, is filed.

5. The learned APP for State has strong reservation. He submits that offence punishable under section 307 of the Indian Penal Code is not compoundable. If such applications are allowed against the provisions of law then there will be chaos in the society.

He, therefore, prayed to reject the applications.

6. The affidavits of the applicants in both the applications show that the applicants have amicably settled their dispute. They are residents of one and the same village. Considering the ratio laid down in the authority of **Narinder Singh (supra)** on behalf of the applicants, there are no chances of conviction, if the trial proceeded and concluded. We are, therefore, inclined to allow these applications in the interest of justice. Considering the peculiar set of facts of this case, the applications deserve to be allowed in the interest of justice. Hence the following order :-

ORDER

- (i) The applications are allowed in terms of prayer clauses "B" and "C" subject to deposit of Rs.40,000/- in each application i.e. total Rs.80,000/- in both applications, with this Court within two weeks alongwith the details, such as, name of the depositor, his/her PAN number, mobile number and address.
- (ii) On deposit of the said amount, as aforesaid, the Registry is directed to transmit 50% of the amount deposited, alongwith the aforesaid details of the depositors, to the NAAM Foundation, which is working for prevention of suicidal death of farmers in Maharashtra State, as early as possible. The account details of the NAAM Foundation, are as under :-

Name of the Bank : State Bank of India
Branch : (07339) University Road, Pune
Maharashtra
Account No. : 35226127148
IFSC Code : SBIN0007339
Account type : Current Account

(iii) The Registry is also directed to transmit remaining 50% amount deposited with this Court by the applicants to Ahsas Matimand Mulanche Balgruh, Satara, as early as possible. The bank account details of the same are as under :-

Name of the Bank : Bank of Maharashtra
Branch : Krishna Nagar Satara
Account No. : 60028487347
IFSC Code : MAHB0000619
Account Type : Saving Account

7. Stand over to 18th December, 2023, for compliance of the order.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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