

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 129 OF 2015

RAMESH S/O VITHALRAO BANSOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Panpatte V. S.
APP for Respondents: Mr. S.P. Deshmukh
Advocate for Respondent No.2 : Mr. R.D. Maniyar

WITH
CRIMINAL WRIT PETITION NO. 130 OF 2015

SANDIP WAMANRAO KHADSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....

Advocate for Petitioner : Mr. S.R. Choukidar
APP for Respondents: Mr. S.P. Deshmukh
Advocate for Respondent No.2 : Mr. V.S. Panpatte

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd DECEMBER, 2015

P.C. :-

1. The crime bearing No. I-447 of 2014 was registered against the accused persons with Mukundwadi police station for the offences punishable under Sections 498-A, 506, 109 r.w. 34 of I.P.C. and Section 3 and 4 of Dowry Prohibition Act whereas the crime bearing No. I-314 of 2014, is registered with Chhavni police station for the offences punishable under Sections 307, 328, 323, 294, 109 r.w. 34 of I.P.C.

2. Criminal writ petition No. 129 of 2015 is filed for quashing of

complaint No. I-314 of 2014 whereas criminal writ petition No. 130 of filed for quashing of crime No. I-447 of 2014.

3. We have heard Mr. Choukidar and Mr. Panpatte, learned counsel for the respective petitioners and also the counsel appearing for respective respondents. Learned counsel submit that the parties have arrived at settlement. Husband Sandeep and wife Pratika have dissolved their marriage by mutual consent. The complaints are filed out of misunderstanding. Now with a view to maintain cordial relations and to live with peace and harmony, the parties have settled the matter. Affidavit to that effect has been affirmed by the parties and the same has been filed on record.

4. We have heard learned A.P.P. also.

5. We have gone through the complaints. The offence under Section 307 of I.P.C. comes under the offences of heinous nature. The settlement in respect of said offence can be accepted in exceptional cases.

6. We have gone through the injury certificate. There is not single injury sustained by the complainant. Even the say of the police Officer to the bail application filed is perused, which shows that the complainant himself had tried to consume the poison.

7. Reading the said complaint and the report, it is manifest that the possibility of conviction under Section 307 is remote. It is also to be considered that the parties have agreed to settle the matter to maintain cordial relations between them so also basically the dispute were arising out of the matrimonial problems. The parties are present before us. They are identified by their respective advocates. They admit the contents of the affidavit filed before this court.

8. Considering the aforesaid aspects of the matter, the complaint bearing Crime No. I-447 of 2014 registered with Mukundwadi police station for the offences punishable under Sections 498-A, 506, 109 r.w. 34 of I.P.C. and Section 3 and 4 of Dowry Prohibition Act and the crime bearing No. I-314 of 2014, registered with Chhavni police station for the offences punishable under Sections 307, 328, 323, 294, 109 r.w. 34 of I.P.C. are quashed and set aside.

9. Writ petitions are accordingly disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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