

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

CRIMINAL APPLICATION NO. 1872 OF 2015

Sau. Prajakta w/o. Manoj Zope .. Applicant

Versus

The State of Maharashtra & ors. .. Respondents

J.P. Legal Associates for the applicant.
Mr. S.G. Nandedkar, APP for respondent/State.
Mr. S.M. Ganachari, Advocate for R 2 to 5.

**CORAM : SMT.SADHANA S. JADHAV,J.
DATED : 05.05.2015**

P.C. :-

1. Heard respective counsel. The applicant herein happens to be the complainant in RCC No.263 of 2012, pending before learned J.M.F.C. Bhusawal. Respondent Nos.2 to 6 were being prosecuted by the present applicant for offences punishable under sections 498-A, 323, 324, 504, 506 r/w 34 of the Indian Penal Code. Learned Magistrate has taken cognizance of the said complaint.

2. Respondent No.6 has expired on 12.08.2013 and therefore the trial would stand abated against respondent No.6.

3. The complainant/applicant is present before the

Court. It is submitted that the applicant, in the interest of justice and to maintain peace and harmony between the parties, does not wish to proceed with the prosecution in RCC No.263 of 2012.

4. The offence punishable under section 498-A of IPC is non-compoundable offence and therefore the applicant could not approach learned Magistrate seeking withdrawal of the complaint. However, she did file pursis before learned Magistrate stating therein that the parties to the proceedings have amicably settled the matter and therefore the complainant has shown her inclination to withdraw the said complaint. Learned Magistrate has rightly observed that the offence is non-compoundable and therefore the pursis was rejected. The applicant has filed an affidavit on record in the form of pursis. Same is taken on record and marked as "Article X" for the purpose of identification. The composition of offence amounts to acquittal of the accused. Since the proceedings were outcome of matrimonial dispute, this Court is inclined to allow the applicant to compound the offence in the interest of justice.

5. Hence, the application is allowed. The parties are hereby permitted to compound the offences. All the accused in RCC No. 263 of 2012 stand acquitted of the

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offences punishable under sections 498-A, 323, 324, 504, 506 r/w 34 of the Indian Penal Code.

6. The Criminal Application is allowed in above terms and accordingly stands disposed of.

[SMT. SADHANA S. JADHAV,J.]

snk/2015/MAY15/cria1872.15