

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

CRIMINAL WRIT PETITION NO. 598 OF 2015

Dipak Machhindra Pawar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. V.S. Undre, Advocate for the petitioner.

Mr. S.M. Jadhav, APP for respondent/State.

Mr. Ajay T. Kanawade, Advocate for respondent No.3.

CORAM : SMT.SADHANA S. JADHAV,J.

DATED : 07.05.2015

P.C. :-

1. The petitioner herein has been charge-sheeted for the offences punishable under sections 354, 323, 504 & 506 of the Indian Penal Code by report under section 173 of Cr.P.C. dated 24.04.2013. The applicant and the complainant had arrived at amicable settlement and the complainant had decided to forgive the applicant. The complainant had approached the Court of J.M.F.C., Bhoom and had requested learned Magistrate to permit her and the accused to file compromise pursis. Learned J.M.F.C. vide order dated 23.04.2015 has rejected the application and denied permission to compound the offence since the offence under section 354 of the Indian Penal Code is non-compoundable.

2. It is apparent on the face of record that prior to 03.02.2013, the offence punishable under section 354 of the Indian Penal Code was cognizable, bailable, compoundable with the permission of the Court by the woman assaulted or to whom criminal force was used. In the present case, the date of offence is 10.09.2012 i.e. prior to the amendment and the amendment would not have retrospective effect. In view of this, the applicant would be at liberty to file a fresh application before the J.M.F.C., Bhoom, demonstrating therein that the amendment does not have a retrospective effect and that the parties be allowed to compromise the matter. Learned Magistrate shall consider this aspect and decide the application on its own merit.

3. In view of this, the writ petition stands disposed of.

[SMT. SADHANA S. JADHAV, J.]