

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

Criminal Writ Petition No.612 of 2015

Maroti Nagorao Bherje
And Others.

.. Petitioners.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. G.R. Syed, Advocate, for petitioners.

Shri. S.A. Ambad, Additional Public Prosecutor, for
respondent No.1.

Shri. P.B. Pawar, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 1st JULY 2015

ORDER:

1) The petition is filed for relief of quashing of the proceeding of RCC No.71/2005 which was pending in the Court of the Judicial Magistrate, First Class, Bhokar. The case is already decided and the petitioners are convicted and sentenced for offence punishable under section 498-A, 34 of the Indian Penal Code. Appeal against the said

decision bearing No.36/2010 is presently pending before the Sessions Court Nanded.

2) Today a joint compromise pursis signed by the petitioners and respondent No.2 is filed. Learned counsel Shri. P.B. Pawar has identified the respondent No.2, original complainant. He submits that the parties have settled the dispute but the Sessions Judge cannot in law allow the appeal in terms of the compromise as the Sessions Judge has no power to compound as the offence is non compoundable in nature.

3) In view of aforesaid circumstances the petition is allowed. The proceeding itself is hereby quashed and set aside. Criminal Appeal No.36/2010 is disposed as the case itself is quashed and set aside. The judgment and order of the learned Judicial Magistrate giving conviction and sentence is also set aside. Bail bonds stand discharged.

Sd/-
(T.V. NALAWADE, J.)

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