

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3877 OF 2015

- 1) Islam Shaikh Gulam Rasool,
Age-37 years, Occu:Agri. &
Sugarcane Cutter, Gang Leader,
R/o-Pirgaibwadi, Tq-Ghansavangi,
Dist-Jalna,
- 2) Bilalbhai Abdul Gani,
Age-22 years, Occu:Labour,
R/o-Kaij, Tq-Kaij,
Dist-Beed.

...APPLICANTS
(Orig. Accused)

VERSUS

- 1) The State of Maharashtra,
- 2) Swati w/o Atul Lokhande,
Age-22 years, Occu:Household,
R/o-Dharur, Tq-Dharur,
Dist-Beed.

...RESPONDENTS
(Respondent No.2 is
Orig. Complainant)

...

Mr.Ravindra M. Deshmukh Advocate for
Applicants.

Mr.M.M. Nerlikar, A.P.P. for Respondent No.1.

Mr.S.S. Shete Advocate for Respondent No.2.

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**CORAM: A.B. CHAUDHARI AND
 INDIRA K. JAIN, JJ.**

DATE : 1ST SEPTEMBER, 2015

ORAL ORDER :

1. Rule. Rule made returnable forthwith and heard finally with consent of the learned counsel for the parties. Learned A.P.P. waives service for Respondent No.1 and learned counsel Mr. Shete waives service for Respondent No.2. Heard learned counsel for the rival parties. By consent of rival parties, this Criminal Application is taken up for final hearing and disposed of by this order.

2. Respondent No.2 - complainant Swati Atul Lokhande is personally present in the Court and states that she is ready to compound the offences registered against the Applicants.

3. Seen the compromise purshis dated 24th August 2015. Perused the First Information Report (for short "F.I.R.") lodged by Swati Atul

Lokhande. On perusal of the F.I.R., we find that though the offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is alleged, the same is not made out from bare reading thereof. However, the other offence of kidnapping of husband is alleged in the F.I.R. The Applicants - accused persons and the complainant have desired to compound offences in question.

3. Looking to the fact, prima facie, offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out and what remains only offence under Section 365 of the Indian Penal Code. From bare reading of the contents of the F.I.R., we find that it would be appropriate, since the parties have arrived at compromise, to allow compounding.

4. In that view of the matter we think, in the light of the decision of the Apex Court in the

case of *Gian Singh Vs. State of Punjab and another reported in (2012) 10 SCC 303*, compounding should be allowed in the interest of justice, so that there should be peace and amity amongst the Applicants and Respondent No.2. In view of the above, we make the following order:-

O R D E R

(A) Rule is made absolute in terms of prayer clause (C) of the Application, particularly in view of the compromise arrived at.

(B) Criminal Application No.3877 of 2015 stands disposed of accordingly.

[INDIRA K. JAIN, J.]

asb/SEP15

[A.B. CHAUDHARI, J.]