

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

CRIMINAL WRIT PETITION NO. 737 OF 2013

Punjaram S/o Natha Bhavar and others **...Petitioners**

Versus

The State of Maharashtra and another **..Respondents**

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Shri. S. A. Nirban, Advocate h/f Shri. R. F. Totala, Advocate for
the petitioners
Shri. S. G. Nandedkar, APP for respondent/State
Shri. R. B. Temak, Advocate for respondent No. 2
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**CORAM : SMT. SADHANA S. JADHAV, J.
DATED : MARCH 31ST, 2015.**

PER COURT:-

. The respective Counsel submit that, the parties to the petition have amicably resolved their disputes. The respective Counsel have filed pursis to that effect, which is taken on record and marked as Article 'X' for the purpose of identification. Respondent No. 2 and the petitioners are present before this Court today and are being duly identified by the respective Counsel.

2. By an order dated 3rd October, 2011, the learned

Judicial Magistrate First Class, Paithan (in short 'JMFC') was pleased to issue process against the present petitioners for offences punishable under Sections 323, 504, 506 r/w Section 34 of the Indian Penal Code. Being aggrieved by the said order, the accused had filed Criminal Revision Application No. 260 of 2012 before the Additional Sessions Judge, Aurangabad. The learned Additional Sessions Judge vide order dated 2nd April, 2013, was pleased to allow the revision partly. The order issuing process for offence punishable under Section 323 of the Indian Penal Code was quashed and set aside however, the order issuing process under Section 504 r/w 34 of the Indian Penal Code was maintained. Hence, this writ petition.

3. The offence registered against the present petitioners are compoundable offence and the parties to the petition have compounded offence with the permission of the Court. Hence, the writ petition deserves to be allowed. The following order is passed.

ORDER

- (i) The order issuing process against the petitioners dated 3rd October, 2012, passed by learned JMFC, Paithan in S.C.C. No. 469 of 2012, is hereby quashed and set aside.

- (ii) The accused stand discharged as a consequence of the quashing of the issuance of process.

The writ petition is allowed in above terms with no order as to costs and disposed of.

(SMT. SADHANA S. JADHAV, J.)

sgp