

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

CRIMINAL APPLICATION NO. 5357 OF 2015

Mohiddin Baig S/o Imam Baig
and others

.. Applicants

Versus

The State of Maharashtra and another .. Respondents

Shri H. I. Pathan, Advocate for Applicants.

Shri S. P. Deshmukh, A.P.P. for the Respondent No. 1.

Shri P. V. Ambade, Advocate for the Respondent No. 2.

CORAM : S. V. GANGAPURWALA

V. K. JADHAV, JJ.

DATE : 21ST NOVEMBER, 2015.

PER COURT :

. The present applicants are charged with offences U/Sec. 307, 498(A), 323, 504 and 506 r/w Sec. 34 of the Indian Penal Code (for short "I. P. Code").

2. Mr. Pathan, the learned counsel for applicants submits that, if the complaint is taken as it is, it does not spell out offence punishable U/Sec. 307 of the I. P. Code. The learned counsel further submits that, the parties have amicably settled the matter. The complaint was filed due to misunderstanding. Even the parties have now agreed to dissolve the marriage. Full amount as per the settlement has been paid.

3. Mr. Ambade, the learned counsel for the complainant

submits that, the parties have settled the matter. The complainant has filed affidavit before this Court thereby stating that, the parties have settled the matter and consented for quashing the complaint.

4. We have perused the complaint. The offences punishable U/Sec. 307 and 498 (A) of the I. P. Code are non compoundable. The Court can consider quashing of complaint, if the parties have settled the matter, in an offence punishable U/Sec. 307 of I. P. Code only in exceptional circumstances. So also, considering the complaint, as the said offence is within the ambit of heinous crime.

5. From the complaint itself it is clear that, the complainant has not suffered any injury. There is remote possibility of the conviction of the accused U/Sec. 307 of the I. P. Code.

6. Considering the aforesaid aspects of the matter, we accept the settlement. The proceedings in the Sessions Trial No. 22 of 2015 arising out of Crime No. 84 of 2013 for the offences punishable U/Sec. 307, 498(A), 323, 504 and 506 r/w Sec. 34 of the Indian Penal Code registered with Police Station Dharmabad, Tq. Dharmabad, District Nanded is quashed and set aside. The criminal application as such is disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]