

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

CRIMINAL APPLICATION NO. 6719 OF 2015

Gulab S/o Kisan Rathod and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Shri Murlidhar S. Karad, Advocate for Applicants.

Shri M. M. Nerlikar, A.P.P. for the Respondent No. 1.

Shri S. B. Solanke, Advocate for the Respondent No. 2.

CORAM : S. V. GANGAPURWALA

V. K. JADHAV, JJ.

DATE : 18TH DECEMBER, 2015.

PER COURT :

. The present application is filed for quashing the F.I.R. bearing Crime No. I-246/2015 registered with MIDC. CIDCO Police Station, Aurangabad for the offences punishable under Sections 341, 323, 504, 307 r/w Sec. 34 of the Indian Penal Code. The respondent No. 2, the original complainant has filed affidavit on record stating that, they have now settled the matter and the complaint in question is result of misunderstanding and has no objection if the complaint is quashed.

2. The applicant No. 1 and respondent No. 2 are present before the Court. The respondent No. 2 admits the contents of the affidavit filed. She is identified by her advocate.

3. Though, an offence punishable U/Sec. 307 of the I. P. Code is one of heinous nature, this Court can entertain the request of settlement in exceptional cases. The considerations would be the stage at which the said settlement has taken place, the probability of conviction U/Sec. 307, the relation of the parties, as has been held by the Apex Court in a case of **Narendra Singh v/s. State of Punjab** reported in (2014) 6 SCC 466. In the present case also, the charges are not yet framed. The accused No. 1 i. e. the applicant No. 1 and the respondent No. 2 are husband and wife. It is stated that, the matter is settled between them and they are residing together. To maintain cordial relations also the settlement can be accepted. Considering the complaint filed, the chances of conviction U/Sec. 307 of the I. P. Code are also remote. Considering the aforesaid conspectus of the matter we are inclined to accept the settlement.

4. In light of above, the F.I.R. bearing No. I-246/2015 registered with MIDC. CIDCO Police Station, Aurangabad for the offences punishable under Sections 341, 323, 504, 307 r/w Sec. 34 of the I. P. Code is quashed and set aside.

5. The criminal application is accordingly disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]