

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPEAL NO.1307 OF 2013
WITH
CRIMINAL APPLICATION NO.1364 OF 2015
IN
CRIMINAL APPEAL NO.1307 OF 2013**

SUCHITA DINESH PATIL)...APPELLANT

V/s.

DINESH SITARAM PATIL AND ANR.)...RESPONDENTS

Shri Omkar Nagvekar i/b. Smt.Prabha Badadare, Advocate for the Appellant.

Shri Suhas Deokar a/w. Shri C.G.Gavnekar, Advocate for Respondent No.1.

Smt.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 28th OCTOBER 2015.

ORAL JUDGMENT :

1 The appellant is the original complainant. She had filed a complaint against respondent no.1 herein and eight others,

alleging commission of offences punishable under Section 494 of the IPC and Section 494 read with Section 109 of the IPC. After holding a trial, the learned Judicial Magistrate, First Class, held respondent no.1 guilty of an offence punishable under Section 494 of the IPC, but acquitted the other accused. When respondent no.1 appealed to the court of Sessions, the court of Sessions allowed the appeal and acquitted him. Being aggrieved by the said order of acquittal, the original complainant has filed the present appeal, which has already been admitted.

2 During the pendency of the appeal, the parties have resolved the dispute between them. An application seeking leave to compound the offence in question has been filed by the parties. Additionally, the original complainant has also filed an affidavit, which is taken on record.

3 I am satisfied that the parties have resolved the dispute amicably. The offence in question is compoundable with the permission of the court. After considering all the relevant

aspects of the matter, I think it fit to permit the parties to compound the offence. That, respondent no.1 is already acquitted cannot be an impediment to permit compounding, as, in my opinion, while considering the grant of leave to compound the offence, whether the offence had indeed taken place, need not be examined. As per the notion of the parties, it had taken place, and the same is being compounded.

4 Leave to compound the offence, granted.

5 Offence compounded.

6 In view of this, nothing survives in the appeal, which stands dismissed.

7 The appeal, as well as the application for leave to compound the offence, both stand disposed of in the aforesaid terms.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment / Order.**