

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

**CRIMINAL APPLICATION NO. 1116 OF 2014
IN
CRIMINAL REVISION APPLICATION NO. 182 OF 2004**

Laxman S/o. Govind Gopnar & Anr. ... Applicants

VERSUS

The State of Maharashtra ... Respondent

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Mr P. V. Mandlik, Advocate for applicant No. 1

Mr J. M. Murkute, Advocate for applicant No. 2

Mrs R. K. Laddha, APP for respondent/State

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CORAM : **INDIRA K. JAIN, J.**

DATE : **25TH JANUARY, 2016.**

PER COURT:

. Heard Mr P. V. Mandlik, learned counsel for applicant No. 1, Mr J. M. Murkute, learned counsel for applicant No. 2 and learned APP for respondent/State. Perused the judgment and order of conviction passed by the learned Judicial Magistrate First Class, Mukhed on 4th June, 2003 in RCC No. 5 of 1997 and modified by the learned Additional Sessions Judge, Kandhar vide order dated 15th April, 2004 passed in Criminal Appeal No. 31 of 2003.

2. Applicant No. 2 Laxmibai lodged a complaint against applicant No. 1 Laxman. On the complaint of applicant No. 2, applicant No. 1 was prosecuted for offences punishable under

Section 324 read with 34 of the Indian Penal Code and Section 7(1) (d) of the Protection of Civil Rights Act, 1955. The learned Judicial Magistrate First Class, convicted applicant No. 1 for both the offences vide judgment and order dt. 4th June, 2003.

3. The said judgment and order of conviction and sentence was challenged before the learned Additional Sessions Judge, Kandhar. The learned Additional Sessions Judge, on hearing the parties maintained the conviction of applicant No. 1 for the offence punishable under Section 324 of the Indian Penal Code.

4. Accused No. 2/applicant No. 1 and complainant have filed this joint application to quash and set aside the judgment and order of the trial court and the first appellate court. It is the contention of applicants that in Tanta Mukti Programme it was decided by the villagers that applicants should amicably settle their disputes in the interest of entire village and accordingly both the applicants decided to compromise the matters pending between them. Applicants submitted that, they have settled the disputes amicably and applicant No. 2 has no grievance whatsoever against applicant No. 1.

5. Parties have been identified by their respective counsel. Considering the nature of offence, severity of punishment and the reasons for which the parties have decided to settle the matter, this Court is inclined to allow the application. Hence, the following order.

ORDER

- (i) Criminal Application No. 1116 of 2014 is allowed in terms of prayer clause B.
- (ii) No order as to costs.

[INDIRA K. JAIN, J.]

sgp