

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

CRIMINAL APPLICATION NO. 6210 OF 2015

Chandrakant s/o. Shripati Bharti & Anr. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. S.W. Munde, Advocate for the applicants.

Mr. S.D. Ghayal, A.P.P. for respondent/State.

CORAM : A.V.NIRGUDE, J.

DATED : 01.03.2016

P.C. :-

1. This Criminal Application challenges order dated 01.10.2015 passed by the learned J.M.F.C., Parli Vaijnath, refusing permission to compound offence in R.C.C. No.143 of 2011. The complainant in this case is mother of accused No.1 and mother-in-law of accused No.2. The offence alleged against them is punishable under sections 323, 324 read with 34 of the Indian Penal Code. Offence punishable under section 324 of the Indian Penal Code is not compoundable as per provisions of Section 320 of the Code of Criminal Procedure. Therefore, the learned Magistrate was constrained not to allow the application in question. However, having regard to the facts of the case, I am inclined to quash the proceedings, because the complainant has already decided not to pursue the

complaint. As said above, the complainant is mother of accused No.1. She should be permitted to withdraw the complaint, having regard to the relationship between the parties.

2. The Criminal Application is allowed. R.C.C. No. 143 of 2011 pending before the learned J.M.F.C., Parli Vaijnath stands quashed.

[A.V.NIRGUDE,J.]