

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
WRIT PETITION NO.2255 OF 2016

Ms Tahera Abdul Rashid Qureshi for the Petitioner
Mr.K.V.Saste, APP for the respondent No.1
Ms Saima Ansari for respondent No.2

ORAL JUDGMENT : (PER A.S.OKA, J.)

3 As per the table appended to sub-section 1 of
section 320 of the Code of Criminal Procedure, 1973
the offence of theft under section 379 is a

compoundable offence at the instance of the person who is the owner of the alleged stolen property. In the present case, the second respondent is the owner of the stolen property namely the cell phones. The second respondent by filing an affidavit has shown willingness to compound the offence as recorded in paragraphs 4 and 5 of the affidavit. Therefore, the petition must succeed.

4 Hence, we pass the following order :

(I) Rule is made absolute in terms of prayer clause (a) which reads thus:

"(a) To quash the Court case being C.C.No.1962/PW/2008 pending on the file of Addl.Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai for offences punishable under section 379 of Cr.P.C registered by the Malad Police Station on 23.10.2006 on the complaint of one Mr.Ayub Khan, the 2nd respondent herein in the interest of justice."

(II) All concerned to act upon an authenticated copy of this Judgment and order.

(A.A.SAYED,J.)

(A.S.OKA,J.)