

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL APPLICATION (apl) No. 101 OF 2016

Neelima w/o Sanjay Hartalkar

v.

Varsha w/o Nandkishor Wankhedkar & anr.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 23rd FEBRUARY, 2016.

Applicant and non-applicant no. 1 are personally present in the Court. They are identified by their respective counsel Shri S.P. Sonwane and Shri A.A. Khandelwal.

By the present application, the applicant has prayed for quashing of F.I.R. bearing Crime No. 10/16 registered with police station Dhantoli, Nagpur, for the offences punishable under Sections 279, 337 and 338 of Indian Penal Code and also under Sections 134 and 177 of Motor Vehicles Act.

The applicant as well as non-applicant no. 1 and their counsel submit that the parties have amicably settled

their dispute and written memorandum of understanding between the parties is also entered into. As per the understanding, the applicant has paid Rs.80,000/- to the non-applicant no. 1 through cheque drawn on Union Bank of India, Branch Wardhaman Nagar, Nagpur, which is duly encashed by non-applicant no. 1, is her statement. Offences under Sections 337 and 338 of Indian Penal Code are compoundable with the permission of the Court whereas offence under Section 279 of Indian Penal Code is not compoundable. However, looking to the fact that memorandum of understanding is entered into between the parties and having regard to the nature of offence, in our view, this Court can exercise its discretion in favour of the applicant in view of the authoritative pronouncement of Hon'ble Apex Court in the case of **Narindra Singh vs. State of Punjab** reported in **2014(6) SCC 466.**

In view of above, criminal application is allowed. F.I.R. bearing Crime No. 10/16 registered with police station Dhantoli, Nagpur, for the offences punishable under Sections 279, 337 and 338 of Indian Penal Code and also under Sections 134 and 177 of Motor Vehicles Act is hereby quashed and set aside. Criminal Application stands disposed of.

JUDGE

JUDGE