

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 70 OF 2017

REENA FERNANDES AND ANR., ... Petitioners

Versus

**STATE OF GOA, THR. OFFICER
INCHARGE, PORVORIM POLICE STATION,
PORVORIM AND 2 ORS.,** ... Respondents

Shri S. G. Desai, Senior Advocate with Shri Pavithran AV and
Ms. Pooja Desai, Advocates for the Petitioners.
Shri S. R. Rivankar, Public Prosecutor for the Respondent Nos.1
and 2.
Shri John A. Lobo, Advocate for the Respondent No.3.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 18th December 2017

P.C.

Heard Shri S. G. Desai, learned Senior Advocate appearing
for the Petitioners, Shri S. R. Rivankar, learned Public
Prosecutor for the Respondent Nos.1 and 2 and Shri John A.
Lobo, learned Advocate appearing for the Respondent No.3.

2. It has been brought to the notice of this Court that the
Petitioners had moved the learned Sessions Judge for
compounding the offence punishable under Sections 304-ii and
323 read with Section 34 of the Indian Penal Code and the same
came to be rejected and charge was also framed against the
Petitioners. It is apparent that the Petitioners and the Respondent

No.3 are closely related to each other and who are otherwise present in Court. They have filed an application in Court under Section 482 Cr.P.C. and besides as contended by Shri S. G. Desai, learned Senior Advocate for the Petitioners, they are staying together despite the said incident which triggered a family dispute.

3. Without going into the merits of the case, that the parties have amicably settled their differences and besides in exercise of the powers vested in this Court in terms of Section 482 of the Cr.P.C. and considering the ratio laid down by the Apex Court in *Gian Singh vs State of Punjab & anr* [(2012) 10 SCC 303] and *Yogendra Yadav & Ors. vs. State of Jharkhand & anr.* [(2014) 9 SCC 653] that the offence as alleged is not heinous like that of rape and murder and that there is an element of civil flavour to the case considering the interse relations between the parties and in the peculiar facts of the case, permission is granted to compound the offence in exercise of the powers under Section 482 of the Cr.P.C. in the peculiar facts to restore peace and harmony in the family. Besides, the Complainant who is present in Court confirms that she has agreed to the compounding of the offence and which consent is confirmed to be voluntarily.

4. In view thereof, the Petitioners are acquitted of the offences punishable under Section 304-ii and 323 read with Section 34 of

the Indian Penal Code in Sessions Case No.3 of 2016 on the file of the Principal Sessions Judge, North Goa at Panaji.

5. Revision stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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