

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4422 OF 2013

Zal Engineer & Ors.	...Petitioners
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Amit Ghag with Ms K.K. Daviervale for the Petitioners i/b. M/s. Mulla & Mulla & CBC for the Petitioners.

Mr. V.V. Gangurde, APP for the Respondent No.1-State.

Mr. Santosh Kumar Dube i/b. Mr. H.H. Nagi & Associates for the Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 27th NOVEMBER, 2017.

P.C.:-

The Petitioners, who are the accused in Criminal Case No.200/SW/2010 have challenged the order dated 24th October, 2013 whereby the learned Additional Sessions Judge, Greater Mumbai had dismissed the Criminal Revision Application No.385 of 2012 filed by the aforesaid accused and thus confirmed the order of issuance of process for offences punishable under Sections 504 and 506 (II) of the IPC.

2. Heard Mr. Amit Ghag, the learned counsel for the Petitioners. I have perused the records, particularly the averments

made in paragraph 22 of the complaint, which is annexed to the Petition at Exhibit 'E' page 47, wherein it is alleged that the Petitioners herein had abused the Respondent No.2 in filthy words. The averments in paragraph 22 do not indicate that the Petitioners had threatened to cause death of the Respondent No.2 or that the criminal intimidation was with an intent of raising an alarm in the mind of the Respondent No.2. The averments at the most constitute offence under Section 506 (I) of the IPC, which is a compoundable offence.

3. Offences under Sections 504 and 506 (II) of the IPC are compoundable by a person who has been insulted or intimidated. In the instant case, the Respondent No.2, who is the complainant in Criminal Case No.200/SW/2010 is present before the Court. He has filed his affidavit wherein he has stated that the matter has been amicably settled and he does not want to proceed against the Petitioner. The Respondent No.2 is duly identified by his lawyer. The Respondent No.2 has confirmed the contents of the affidavit and further reiterated that he does not wish to proceed in the matter and that he has no objection, if the offences are compounded. The affidavit is taken on record and marked 'X' for identification. The statements made in the affidavit are accepted.

4. Considering the nature of offences as well as the affidavit dated 24.11.2017 of the Respondent No.2, leave is granted to compound the offence.

5. In view of above, the order of issuance of process is quashed and set aside. The Petitioners to pay cost of Rs.5,000/- to the Maharashtra State Legal Services Authority, Mumbai within a period of two weeks from the date on which this order is uploaded.

6 The Petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)