

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

978 CRIMINAL APPLICATION NO. 5618 OF 2016

GAUTAM S/O KISAN MISAL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Nagargoje Ankush N.
APP for Respondents-State: Mr. A. A. Jagatkar.

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**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.**
DATE : 16-10-2018.

JUDGMENT : (Per COURT)

1. Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.
2. The proceeding is filed under Section 482 of Cr.P.C. for the relief of quashing of the proceeding bearing Regular Criminal Case No. 56 of 2009 presently pending in the Court of Judicial Magistrate First Class, Parli Vaijnath Dist. Beed, which is filed for the offences punishable under Section 440, 323, 324, 504, 506 of the Indian Penal Code.
3. Learned counsel for the applicants produced on record certified copy of the application which was moved by both the sides before Judicial Magistrate First Class. It was submitted before J.M.F.C. that the parties had settled dispute and they want to dispose of the case

a per the settlement. The learned J.M.F.C. rejected the application by observing that the offence is not compoundable.

4. This Court has carefully gone through the contents of the FIR. The incident had taken place on 19-07-2008 and FIR was given on 24-07-2008. There was no medical evidence, there were some allegations that, attempt was made on her life by pressing her neck and kerosene was also poured on her person. As she had approached the Police very late, there is possibility of collecting material in corroboration to the allegations. Now the parties have settled their dispute and they want to live peaceful life in the village. In view of these circumstances, application is allowed. The proceeding bearing Regular Criminal Case No. 56 of 2009 is hereby quashed and set aside. Rule is made absolute in those terms. The relief is granted subject to payment of cost of Rs.15,000/- (fifteen thousand). The amount is to be deposited within ten (10) days from today to the High Court Legal Services Sub-Committee, Aurangabad

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.