

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

**CRIMINAL APPEAL NO.620 OF 2004
WITH
CRIMINAL APPLICATION (ST.) NO. 1709 OF 2018**

AND

**CRIMINAL APPEAL NO.621 OF 2004
WITH
CRIMINAL APPLICATION (ST.) NO. 1710 OF 2018**

The State of Maharashtra Applicant

Vs.

Rajendra Jaysingrao Jadhav & Ors. Respondents

Mr. Ganesh Gole for the Applicant.
Mr. S.S. Pednekar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 27th November 2018

P.C.:

- 1 Heard the respective counsel.
- 2 In Criminal Appeal No. 621 of 2004, the appellant-State has challenged the judgment and order passed by the Chief Judicial Magistrate, Kolhapur dated 22nd January 2004 in Regular Criminal Case No. 186 of 1997 thereby acquitting some of the accused persons

i.e. accused nos. 2 to 5 of the offences punishable under Sections 147, 148, 323 read with 149 of the Indian Penal Code. Similarly, the State has also challenged the quantum of sentence awarded to original accused nos. 2 to 4 thereby sentencing them the punishment till rising of the Court for the offences punishable under Sections 147, 148, 323, 324 read with 149 of Indian Penal Code.

3 The respondents have caused their appearance before this Court. Notice was issued to the original complainant. It is the common contention of the complainant and the respondents in both the appeals that they were party to Regular Civil Suit No. 644 of 2013. Regular Civil Suit was filed by the original complainant seeking declaration and permanent injunction in respect of their residential properties. That the plaintiff and the defendants have filed an affidavit before the Civil Court contending therein that they have amicably settled the dispute, hence, the decree is drawn by consent vide judgment and order dated 10th May 2018. The affidavit filed in the civil suit alongwith the copy of the consent decree is

placed on record. The same is taken on record and marked Article “X” for identification.

4 The original complainant as well as the respondents submit that they are residents of the same village. In that order to maintain peace and tranquillity in the village, they have come to terms. In any case, an offence punishable under Sections 323 and 324 of Indian Penal Code are compoundable offences as contemplated under Section 320 of Code of Criminal Procedure. In view of this, the appeals filed by the State challenging the acquittal as well as seeking enhancement of the sentences imposed upon original accused nos. 2 to 4 deserves to be dismissed. Hence, Criminal Appeals are hereby dismissed.

5 In view of this, no orders are necessary to be passed in Criminal Application Nos. 1709 of 2018 and 1710 of 2018.

(Smt. Sadhana S. Jadhav, J)