

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.313 OF 2023

Kiran w/o Ananda Jadhav

... **APPLICANT**

VERSUS

1) The State of Maharashtra

2) Ananda s/o Madhavrao Jadhav

... **RESPONDENTS**

.....
Mr. G.R. Ingole, Advocate for applicant
Mr. M.M. Nerlikar, A.P.P. for respondent No.1.
Mr. D.B. Rode, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 27th JUNE, 2023

ORDER :

Heard. The informant/ victim and the applicant/ accused are present before the Court. The informant is the husband of the applicant. It is the case of the prosecution that the applicant had an extra-marital relationship and, therefore, at her instance, her paramour made an attempt on the life of the informant.

2. The co-accused (paramour) is not before the Court.

The informant, represented by an Advocate, gives an express consent by filing an affidavit for quashment of the F.I.R. and the consequential charge sheet.

3. The learned A.P.P. has strong reservations to allow the application. According to him, offence under Section 307 of the Indian Penal Code is made out and the Hon'ble Apex Court, on number of occasions, has observed that offence under Section 307 of the Indian Penal Code is heinous one, shall not be permitted to be compromised.

4. What the learned A.P.P. submits is correct. The facts in the present case, however, indicate that the applicant and her husband/ informant are going to resume cohabitation. In any case, the marriage between the parties has to be saved. The applicant is alleged to have been in conspiracy with the main accused. She has not made an assault on the life of the informant. Only with a view to save their marriage, we are inclined to endorse the compromise. In the peculiar facts and circumstances of the case, the application is allowed. The F.I.R. bearing Crime No.0235/2021, registered with Kuntur Police Station, Taluka Naigaon, District Nanded for the offences punishable under Sections 307, 326, 120(B) of the Indian Penal Code and the consequential charge sheet No.06/2021 and R.C.C. No.15/2022, pending before the

learned Judicial Magistrate, First Class, Naigaon, District Nanded
are quashed so far as regards the present applicant is concerned.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-