

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

CRIMINAL REVISION APPLICATION NO.270 OF 2019

1. Ali Abbas S/o Abdul Mehendi,
Age : 47 Years, Occ. Business,
 2. Ali Hamza S/o Abdul Mehendi,
Age : 45 Years, Occ. Business,
Both are resident of
Opp. Roxy Cinema, RH. No.03,
Anand Enclave, Sanmitra Colony,
Dist. Aurangabad.
- ..Applicants
(Appellant/Orgi.Accused)

VERSUS

1. The State of Maharashtra
 2. Sardar Harjit Singh S/o Tirath Singh Sawhney
Age : 59 Years, Occ. Business,
R.o. Osmanpura, Aurangabad.
- ..Respondent No.2
(Original Complainant)

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Advocate for the applicants : Mr. S. S. Jadhav
A.PP for Respondent No.1 : Mr. Y. G. Gujarathi
Advocate for respondent No.2 : Party-in-person

WITH

CRIMINAL REVISION APPLICATION NO. 372 OF 2019

Harjit Singh S/o Tirath Singh Sawhney,
Age : 59 Years, Occ. Business,
R/o. Osmanpura, Aurangabad.

.. Applicant
(Original Complainant)

V E R S U S

1. Ali Abbas S/o Abdul Mehedi,
Age : 47 Years, Occ. Business,
2. Ali Hamza S/o Abdul Mehedi,

Age : 44 Years, Occ. Business,

Both Resident of
Bungalow No.10, Pratap Nagar,
Osmanpura, Aurangabad.
At present R/o. House No.3, Anand
Enclave, Sanmitra Colony Opp.
Roxy Cinema, Aurangabad.

.. Respondent Nos. 1 & 2
(Original Accused)

3. The State of Maharashtra .. Respondent No.3

...

Advocate for Applicants : Party-in-person
APP for Respondent No.3: Mr. Y. G. Gujarathi
Advocate for respondent Nos. 1 and 2 : Mr. S.S. Jadhav

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CORAM : S. G. MEHARE, J.

DATE : 23.06.2023

PER COURT :

1. The copies of the settlement terms have been tendered and they were marked as annexure 'A' respectively in both the cases.
2. The parties admit the contents of the settlement. They have resolved the dispute amicably out of Court.
3. The accused/applicant were convicted for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code. The respondent No.2 was the complainant. The offence under Section 420 of the Code of Criminal Procedure is compoundable under Section 320 (2) of the Code of Criminal Procedure. The settlement appears

voluntarily. Hence leave granted to compound the offence. The compromise is accepted. Since the parties have voluntarily compounded the offence the following order is passed.

ORDER

- (I) Criminal Revision Application No. 270 of 2019 is allowed.
- (ii) The judgment and order convicting the applicants passed by the learned Chief Judicial Magistrate, Aurangabad in R.C.C. No. 798 of 1999, dated 10.04.2013 and the judgment and order confirming the conviction of the applicants passed by the learned Additional Sessions Judge-6, Aurangabad in Criminal Appeal No. 105 of 2013, dated 21.09.2019 stand quashed and set aside as the parties have compounded the offence to the extent of the applicants only .
- (iii) The respondent No.2 is at liberty to withdraw the fine amount of Rs. 1,20,000/-. The applicants/accused have no objection and they would not claim the said amount back from respondent no.2.
- (iii) The bail bonds and surety bonds stand canceled.
- (iv) In view of the compromise pursis Criminal Application No. 372 of 2019 stands dismissed as withdrawn as the parties have compounded the offence.
- (v) Record and proceeding be returned to the learned Chief Judicial Magistrate, Aurangabad.

(S. G. MEHARE)
JUDGE