

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

**CRIMINAL REVISION APPLICATION NO.297 OF 2023**

**VILAS NARAYAN SONAWANE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

...  
Advocate for Applicants : Mr. A.K. Bhosle  
APP for Respondents: Mrs. P.V. Diggikar  
Advocate for Respondent no.2 : Mr. P.P. Shinde

...  
**CORAM : S. G. CHAPALGAONKAR, J.**

...  
**RESERVED ON : 26<sup>th</sup> OCTOBER , 2023  
PRONOUNCED ON : 30<sup>th</sup> OCTOBER, 2023.**

...

**ORDER :-**

1. The applicants/original accused impugns the order dated 5.9.2023 passed by the learned Additional Sessions Judge, Jalgaon in criminal appeal no.13 of 2017 thereby rejecting the prayer of compounding of the offence under section 143 of the Indian Penal Code and seeks acquittal of the applicants.

2. Briefly stated the facts giving rise to the present revision application, are as under :-

The respondent no.2 lodged a report with the police station Shanipeth Jalgaon alleging that on 8.2.2023 when she was passing through the road in front of house of the accused persons they abused and assaulted her. The paternal aunt Narmadabai and one Chandrakalabai rescued her. Then, she lodged a report which lead registration of the offence punishable under section 143, 323, 504, 506 of the IPC against accused persons. Investigation progressed. Charge-sheet was filed adding one more offence under section 509 of

the IPC.

3. The applicants were put on trial in SCC No.923 of 2023 in pursuance of recording of their plea. Trial court on conclusion convicted the accused persons for the offences punishable u/s 143, 323 of the IPC and sentenced them to suffer S.I. of six months with fine vide judgment and order dated 19.1.2017. Accused no.1 was convicted for offence punishable under section 509 of the IPC.

4. The aforesaid judgment and order of conviction was challenged by the accused persons before the Sessions Court at Jalgaon in criminal appeal no.13 of 2017. During pendency of the appeal, the complainant and accused persons amicably settled the dispute and submitted an application below Exhibit-23 seeking permission of compounding of offence under section 320 of the Cr.P.C. The application has been jointly signed by the complainant as well as accused. The Learned Sessions Judge, Jalgaon, after hearing the parties and the learned APP for the State, partly allowed the application and granted permission to compound the offence u/s 323, 509 of the IPC and acquitted the applicants/accused under section 320 of the Cr.P.C. However, refused permission to the compound the offence punishable u/s 143 of the IPC for the reason that said offence is non-compoundable. The aforesaid order is subjected to challenge in the present revision application.

5. Mr. Bhosale, learned advocate appearing for the applicants would submit that although parties have arrived at amicable settlement, the Sessions Judge refused permission to compound the offence punishable u/s 143 of the IPC being non-compoundable in terms section 320 of Cr.P.C. He would submit that this Court has ample powers under section 482 of Cr.P.C. to permit

compounding of the offence in exercise of the inherent powers. He would submit that, although section 320 of Cr.P.C. shows offence under section 143 as non-compoundable, in view of the fact that the learned Sessions Court has already permitted compounding of the offence under section 323, 509 of the IPC, it would be appropriate to permit compounding of the offence under section 143 of the IPC so as to give complete effect to the settlement arrived at between the parties.

6. Learned advocate appearing for respondent no.2-informant submit that she has filed separate affidavit in present criminal revision application and supports the prayer of the applicants in view of the fact that the applicants and respondent no.2 have decided to bury hatchet in order to keep cordial and harmonious relations amongst themselves.

7. Learned APP, however, submit that the learned Sessions Judge is right in refusing the permission to compound the offence under section 143 of the IPC being non-compoundable. The learned Sessions Court has rightly refused permission to compromise to that extent while permitting the applicants and respondent no.2 to compound the offence punishable u/s 302 and 509 of the IPC.

8. The learned counsel appearing for the applicants and respondent no.2 jointly submit that this is a fit case where this Court may invoke inherent powers under section 482 of the Cr.P.C.

9. At this stage, reference can be given to the judgment of the Supreme Court of India in the matter of **Ramgopal and another Vs. State of Madhya Pradesh reported in 2022 (1) Mh.L.J. (Cri) 291.** The observations in paragraph no.19 of the judgment reads as

under :-

“19. We thus sumup and hold that as opposed to Section 320 Cr.P.C., 1973 where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C.1973 or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. 1793. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

10. It is, therefore, evident that powers under section 482 of the Cr.P.C. can be invoked for permitting compounding of the offences which are otherwise non-compoundable in terms of section 320 of the Cr.P.C. However, exercise of powers shall be guided by the factors as indicated above. Keeping in mind the aforesaid guidelines weighing upon the facts and circumstances of the present case, I am inclined to invoke the powers under section 482 of the Cr.P.C., quash the proceedings and consequently set aside the conviction of the accused persons for following reasons :-

- a] The incident in question is of the year 2013.
- b] The learned Sessions Judge has already permitted compounding of the offence punishable u/s 323, 509 of the IPC and acquitted the appellants.
- c] The incident in question was arising out of a personal dispute, the criminal proceeding was in fact involved private dispute. Permitting of compounding of offence u/s 143 of the IPC would not any way supersede public interest.
- d] The complainant on her own volition jointly submitted an application for compounding of offences before the Sessions

Court and also confirmed that she has voluntarily tendered such application when interrogated by the learned Sessions Judge as has been recorded in the impugned order.

- e] The respondent no.2 has tendered her own affidavit that the complaint was an obvious outcome of anguish and allegations were made in the fit of rage and anger. She voluntarily waives all allegations and put unconditional no objection to render acquittal in favour of the accused persons with intention to bury the hatchet in order to keep cordial and harmonious relations amongst themselves. Hence, the order.

**ORDER**

- i. The criminal revision application is allowed.
- ii. The impugned order dated 5.9.2023 passed by the I/C. District Judge-6, Jalgaon in Criminal appeal No.13 of 2017 is partially modified.
- iii. The permission to compound the offence punishable under section 143 of the Indian Penal Code is granted. Consequently, the order of conviction and sentence of the applicants for the offence punishable u/s 143 of the I.P.C. is hereby quashed and set aside.
- iv. The applicants/accused are acquitted for the offence punishable u/s 143 of the I.P.C.
- v. Bail bonds stand cancelled.
- vi. Surety stand discharged.
- vii. Criminal revision application is disposed off.

( S.G. CHAPALGAONKAR )  
JUDGE