



This order dated 3rd May, 2024 is corrected and uploaded in view of the order dated 8th May, 2024

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

903 CRIMINAL REVISION APPLICATION NO. 218 OF 2015

MAHESH LAXMANRAO SONNAR AND OTHER.

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

.....

Advocate for Applicants : Mr. Jagiasi Shyamsunder H.

APP for Respondent/State : Mrs.Pratibha J. Bharad

Advocate for Respondent no.2 : Mr.M.P. Kale

.....

WITH

CRIMINAL APPLICATION NO. 787 OF 2016

IN REVN/218/2015

SAU PREETI W/O MAHESH SONNAR AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA.

.....

Advocate for Applicant : Mr. Kale Mahesh P.

APP for Respondent/State : Mrs.Pratibha J. Bharad

Advocate for respondent nos.1 to 4 : Mr.S.H. Jagiasi

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 3rd MAY, 2024.

PER COURT :-

1. Not on board. On being mentioned taken on board.
2. The learned advocates for both the sides submit that the compromise has been taken place and the compromise decree is passed in Special Civil Suit No.3 of 2018. A photocopy of the said decree is submitted on record, which is marked as "X-1".

3. The learned advocate for the applicants and respondent no.2 pointed out that applicant – Mahesh and others were acquitted from the charges under sections 498-A and 504 read with section 34 of the Indian Penal Code in Regular Criminal Case No.481 of 2008 by Judicial Magistrate, First Class, Sonpeth vide judgment and order dated 10.10.2012. Thereafter Criminal Appeal No. 29 of 2012 was preferred by the respondent-wife. Appeal was allowed and accused nos.1 to 4 were held liable only for the offence punishable under section 498-A of the Indian Penal Code.

4. In the compromise, the numbers of this revision as well as application is mentioned in para no.6. The informant agreed to withdraw the said allegations and charge under section 498-A of the Indian Penal Code etc.

5. In view of the compromise and the set of facts of the case, it would be proper to set aside the impugned judgment and order dated 25.11.2015 in Criminal Appeal No.29 of 2012 passed by the learned Additional Sessions Judge, Gangakhed. It is set aside accordingly.

6. In view of the above, the Criminal Revision Application No.218 of 2015 is partly allowed and conviction of the applicants under section 498-A of the Indian Penal Code is quashed and set aside.

7. In view of the compromise in Special Civil Suit No.3 of 2018

as well as submissions of both the sides, the amount of Rs.17,500/- deposited by respondent nos.1 to 4 in the Court of the learned Additional Sessions Judge, **Gangakhed** in Criminal Appeal No.29 of 2012 be paid to applicant no.1.

8. In view of above, Criminal Application No.787 of 2016 is also disposed of.

(SANJAY A. DESHMUKH, J.)

sga