



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 512 OF 2024

Giridhar Bhanudas Suryawanshi And AnotherPetitioners

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. S.V. Gundre, Advocate for petitioners.

Mr. A.A.Khan, APP for State

Dr. Supriya Pansambal, Advocate for respondent No. 2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th APRIL, 2024

ORDER :

1. This petition filed under Article 226 of Constitution of India r/w Section 482 of Code of Criminal Procedure, takes exception to the order passed below Exhibit-76, by learned Judicial Magistrate First Class, Chakur, in R.C.C. No. 145 of 2016.

2. Petitioners and respondent No. 2 are related to each other and they are also adjoining land holders. Respondent No. 2 lodged complaint on 02.07.2016 alleging that petitioners came to her field and asked her as to why did she allow her cattle to enter their field. Then they assaulted her with fists and kick blows and Giridhar assaulted her with stick, due to which she

Bhagyawant Punde

suffered blunt injuries. After conducting investigation, charge sheet came to be filed in the matter on 17.12.2016 for offences punishable under section 326, 323, 504, 506 r/w 34 of Indian Penal Code and case is numbered as R.C.C. No. 145/2016.

3. Petitioners and Respondent No. 2 filed compromise before the Trial Court stating that they have amicably settled the dispute outside the Court and therefore respondent No. 2 does not wish to prosecute the matter any further. Petitioners and respondent No. 2 are resident of same village and they are related to each other and so as to keep cordial relations amongst them they have settled the matter. FIR was lodged due to misunderstanding and therefore matter may be disposed of in view of compromise.

4. Trial Court rejected the compromise as offence under section 326 of IPC is non compoundable. This order is impugned in the present petition.

5. Heard learned advocate for petitioners, learned APP for State and respondent No. 2. Perused the record.

6. Petitioners and respondent No. 2 are personally present in the Court. They confirm the fact that they have

compromised the dispute. Compromise appears to be genuine. Taking into consideration the compromise arrived at between the parties, no useful purpose would be served by continuing prosecution as it would cause wastage of judicial time and energy. Informant/Respondent No. 2 is not likely to support the prosecution.

7. In the result, writ petition is allowed.

8. Impugned order dated 29/09/2022, below Exhibit 76 in R.C.C No. 145/2016 passed by learned Judicial Magistrate First Class, Chakur, Dist. Latur, is hereby quashed and set aside.

9. Proceedings of R.C.C. No. 145/2016, pending before learned Judicial Magistrate First Class, Chakur, Dist. Latur, are quashed.

[NITIN B. SURYAWANSHI, J.]