



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CRIMINAL WRIT PETITION NO. 1966 OF 2019

Dilmir Alim Sayyad (Peerjade)

VERSUS

The State of Maharashtra and another

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Advocate for the Petitioner : Mr. Dixit Satyajeet S

APP for Respondent No.1: Mrs. M. L. Sangit

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CORAM : SHIVKUMAR DIGE, J.

DATED : 14th AUGUST, 2024.

PER COURT :-

1. By this writ petition, the petitioner has challenged the order dated 30.9.2019 passed by learned Additional Sessions Judge, Kopergaon, below Exh.19 in Criminal appeal No. 23 of 2018.

2. It is the contention of learned counsel for the petitioner that respondent No.2 has filed a complaint under Section 498-A of Indian Penal Code (for short "I.P.C.") against the petitioner. The trial was conducted and the petitioner is convicted under the said section. The petitioner challenged the said order by filing an appeal before the Additional Sessions Judge, Kopergaon. During pendency of the appeal, there was compromise between the petitioner and respondent No.2 wife. The compromise deed was filed before the learned Sessions Judge. The learned Sessions Judge has accepted

the said compromise deed. At the time of accepting the compromise deed, respondent No.2 was present and she has signed on the said compromise deed. The petitioner had filed an application for compounding of the offence and acquitting the petitioner. But the said application has been rejected. Learned counsel further submitted that as the matter is settled between the petitioner and the respondent No.2, the petitioner should be acquitted from the charges levelled against him and requested to allow the writ petition.

3. Though respondent No.2 is served, none present for her.

4. It is the contention of learned A.P.P. that the order passed by the learned Sessions Judge is legal and valid. Though the compromise deed is taken place between the petitioner and respondent No.2, the petitioner has been convicted by the trial court. Hence, requested to dismiss the writ petition.

5. I have heard both the learned counsel. Perused the impugned order. While passing the order, the learned Sessions Judge has observed that the offence under Section 498-A of I.P.C. is not compoundable and the petitioner is convicted by the trial court on that ground the Sessions Court has rejected the application below Exh.19. In my view, the matter is settled between the petitioner and

the respondent No.2 wife. Respondent No.2 has signed on the compromise deed. Learned counsel for the petitioner submitted that respondent No.2 has performed second marriage. The certified copy of compromise deed is produced on record. In the compromise deed, it is mentioned that the compromise is taken place between the petitioner and respondent No.2, as the offence under Section 498-A of I.P.C. is not compoundable hence, by this writ petition the petitioner is seeking for compounding of offence. Considering the submissions of both the learned counsel as well as the in view of the compromise taken place between the petitioner and the respondent, I pass the following order:-

O R D E R

- I. The writ petition is allowed.
- II. The order dated 21.5.2018 passed by the learned Judicial Magistrate First Class, Kopergaon in R.C.C. No.110 of 2013, holding the present petitioner guilty of offence under Section 498-A of I.P.C. is quashed and set aside.
- III. The appeal filed by the petitioner bearing Criminal appeal No.23 of 2018 pending in the court of learned Sessions Judge at Kopergaon also stands disposed of.

(SHIVKUMAR DIGE, J.)