

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Cri.Writ Petition No.1481 of 2018

The State of Maharashtra

... Petitioner.

Vs.

1. Vijay Baburao Vanjari

Age:Adult, Occ:Business, R/a Karkamb,

Tal.: Pandharpur, Dist.:Solapur.

2. Laxman Vijay Vanjari

Age Adult, Occ.Labourer,

R/a Karkamb, Tal.Pandharpur,Dist.Solapur ... Respondents.

Mr Arfan Sait APP for petitioner/State.

Mr Amit Icham for respondent No.1.

Mr Balwant Salunkhe for respondent No.2.

**Coram: R. N. Laddha, J.
Date : 23 February 2024.**

P.C. :-

Heard Mr Arfan Sait, the learned APP for the State/applicant; Mr Amit Icham learned Counsel for respondent No.1 and Mr Balwant Salunkhe, learned counsel for respondent No.2.

2. By an impugned order dated 14.12.2015 the learned Additional Sessions Judge, Pandharpur, allowed the revision

application, and thereby quashed and set aside the order passed by the JMFC, Pandharpur. The learned JMFC by this order rejected the prayer of the petitioner to compound the offences.

3. In the impugned order, the learned Additional Sessions Judge noted that since both the original complainant and the accused had jointly filed the compromise pursis to compound the offence, it would be unnecessary to subject the accused to the ordeal of a trial and accordingly, the request for compounding the offence was granted. The accused was charged under Sections 420, 467 and 468 of the Indian Penal Code. The offences under Sections 467 and 468 IPC are non-compoundable while the offence under Section 420 IPC is compoundable with the permission of the court. Admittedly no permission was sought to compound the offence under Section 420 IPC.

4. In view of above, the impugned order passed by the Additional Sessions Judge, Pandharpur, is quashed and set aside and RCC No.113 of 2011 is restored to file of learned JMFC, Pandharpur.

5. Accordingly, the petition stands allowed.

[R. N. Laddha, J.]