



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.869 OF 2024

IN

CRIMINAL APPEAL NO.111 OF 2017

(Ajay s/o Annulal Mohite and anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Daga, Advocate for the applicant No.1.
Ms Seema Dhotre, Advocate for applicant No.2.
Mr. S.A. Ashirgade, Addl.PP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- SEPTEMBER 19, 2024.

By this application, the appellants are seeking permission for compounding of the offences.

2. Applicant No.1 was prosecuted for the offence punishable under Sections 498-A, 307, 325 read with Section 34 of the Indian Penal Code. During the trial, the appellant was acquitted from the charges punishable under Section 307 and 498-A read with Section 34 of the IPC but he is convicted of the offences punishable under Section 325 of the IPC sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.20,000/- in default to suffer S.I. for one year. Fine amount is already paid.

3. During the pendency of this appeal, the original complainant and the appellant who are the husband and wife have settled their dispute amicably and

both are present before the Court. They are verified, their children are also present before the Court. It is submitted that now they are leading the peaceful matrimonial life with each other and there is no grievance of any kind against each other, therefore, they have decided to settle the dispute amicably.

4. Learned Counsel for the appellants submitted that as far as the offence under Section 325 of the IPC under which applicant No.1 was convicted is compoundable with the permission of the Court. He submitted that considering there was a matrimonial dispute between the parties which is settled. Now the children of both of them are of a marriageable age and no purpose will be served with continuing with this appeal. In view of that, they be permitted to settle the dispute.

5. Learned APP strongly opposed the application on the ground that applicant No.1 is already convicted of the offence punishable under Section 325 of the IPC and there is no reasonable ground to grant a permission to settle the dispute and compound the offence. The complainant is identified by learned Counsel Ms Seema Dhotre.

6. Considering that there was a matrimonial dispute between the parties and now they both are residing together and leading a peaceful life and considering the relationship between the husband and

wife is improved and considering the fact that now they are leading a happy married life, the permission is to be granted to compound the offence.

7. In view of the judgment passed by the Hon'ble Apex Court in the case of ***Ramgopal and anr. Vs. State of M.P. [2022 (1) Mh.L.J. (Cri.) (S.C.) 291]*** and considering the parties have settled their dispute amicably, they are permitted to compound the offence.

8. In view of the settlement between the parties, applicant No.1 – Ajay s/o Annulal Mohite is acquitted from the charges and the judgement and order of sentence passed by the Additional Sessions Judge, Nagpur dated 14/03/2017 is hereby quashed and set aside.

9. Hence, the application is disposed of accordingly.

10. Consequently, the criminal appeal is disposed of.

(URMILA JOSHI-PHALKE, J.)