



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL WRIT PETITION NO. 2048 OF 2024

RAJAMATI EKNATH TEKALE AND ANOTHER
VERSUS
VAISHALI DNYANESHWAR GHORPADE

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Ms Naseembanu Iliyas Deshmukh, Advocate for the Petitioners
Ms Prajakta P. Deshmukh, Advocate for Respondent No.1
Ms Chaitali Chaudhari – Kutti, APP for Respondent No.2 – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 12.02.2025

ORDER :-

1. Heard Ms Naseembanu Deshmukh, the learned counsel for the Petitioner, Ms Prajakta Deshmukh, the learned counsel for Respondent No.1 and the learned APP for Respondent No.2 – State.
2. Rule. Rule made returnable forthwith. Heard finally with the consent of both the sides.
3. By the present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of

Criminal Procedure, the Petitioners have prayed for quashment of the proceeding bearing S.C.C. No.673 of 2022 as well as the order dated 05.11.2022 passed by the learned Judicial Magistrate First Class, Paithan, in S.C.C. No.673 of 2022, thereby issued process for the offence under Section 504, 506 read with Section 34 of the Indian Penal Code.

4. Respondent No.1 is the original complainant and the present Petitioners are the original accused in private complaint S.C.C. No. 673 of 2022. For the sake of brevity, I would like to refer the parties to the present Petition in their original capacity as the complainant and the accused.

5. The complainant filed the complaint before the learned Judicial Magistrate First Class, Paithan, alleging that on 06.05.2022, when she was harvesting the onion in her field, at that time, the accused persons abused her in filthy language and issued life threat. Therefore, she had lodged a report with Paithan Police Station, but N.C.No.256 of 2022, registered against the accused persons. Therefore, she filed complaint S.C.C. No.673 of 2022 before the learned J.M.F.C., Paithan and prayed for awarding appropriate punishment to the accused persons. After recording the statement of

the complainant on oath, on 05.11.2022, the learned J.M.F.C. Paithan, passed the impugned order and issued process against the accused persons for the offence punishable under Sections 504, 506 read with 34 of the Indian Penal Code.

6. Needless to say that the offence punishable under Sections 504, 506 read with 34 of I.P.C., are compoundable under Section 320(1) of the Code of Criminal Procedure. The Respondent/complainant has filed affidavit-in-reply and stated that during pendency of the present Petition, the Petitioners approached her and she assured to maintain the cordial relations and executed the Memorandum of Understanding (MOU) on 10.02.2025 Exh.R-1. Since both the parties, complainant and the accused persons, mutually compounded the offence out of the Court, therefore, the criminal proceeding bearing S.C.C. No.673 of 2022 pending on the file of the learned J.M.F.C. Paithan, is hereby quashed and set aside. Resultantly, the order dated 05.11.2022 passed by the learned J.M.F.C., of issuance of the process for the offence under Section 504, 506 read with 34 of the Indian Penal Code, is hereby quashed and set aside.

7. Accordingly, Rule is made absolute. The Writ Petition is disposed of.

[Y. G. KHOBRAGADE, J.]

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