

C O R R E C T E D

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1865 OF 2017
(Arising out of SLP(Crl.)No.8369 OF 2017)
(@ DIARY NO. 31345 OF 2017)

YATINDRA SATISH PAI RAIKAR

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

The appellant herein has been charged for the offence punishable under Section 307 of IPC on the allegation that he had tried to strangulate his wife. After filing of the charge-sheet, the parties have entered into a settlement. Both the husband and the wife have been divorced and wife had also agreed not to pursue the aforesaid case. Since the offence under Section 307 is not compoundable, the petitioner approached the High Court under Section 482 of the Code of Criminal Procedure (Cr.P.C.) for compounding of the aforesaid sentence and for quashing of the charges on the ground that the parties have settled the matter. This petition has not been decided by the High Court on merits but has been dismissed on the ground that the petitioner has suppressed

the fact that the charge had already been framed and his application for discharge has been rejected. However, this is not a material fact which could have become the basis for dismissal of the petition under Section 482 of the Cr.P.C. filed by the appellant.

Having regard to the facts and circumstances of the case, we are of the view that it is a fit case for quashing of the criminal proceedings and the matter is fairly covered by the Judgments of this Court in (i) *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. state of Gujarat and Anr.*, (2017) SCC Online SC 1189; (ii) *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (2014) 6 SCC 466; and (iii) *State of Maharashtra Through CBI vs. Vikram Anantrai Doshi & Ors.*, (2014) 15 SCC 29, in which the earlier judgments of this Court were also referred to and relied on.

Accordingly, this appeal is allowed and the charges in the proceedings in CC. No.104/2011 arising out of FIR No.54/11 stand quashed.

Pending application(s), if any, stands disposed of.

.....J.
(A.K. SIKRI)

.....J.
(ASHOK BHUSHAN)

NEW DELHI;
OCTOBER 27, 2017.

R E V I S E D

ITEM NO.43

COURT NO.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.).....(Diary No(s). 31345/2017)

(Arising out of impugned final judgment and order dated 20-03-2017 in CRLA No. 322/2017 passed by the High Court of Judicature at Bombay)

YATINDRA SATISH PAI RAIKAR

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No.104566/2017-CONDONATION OF DELAY IN FILING and IA No.104568/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.104567/2017-EXEMPTION FROM FILING O.T.)

Date : 27-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Aman Preet Singh Rahi, Adv.
Mr. A. Venaygam Balan, Adv.
Mr. Gautam Khazanchi, Adv.
Mr. Udit A., Adv.
Ms. Gargi Khanna, Adv.
A. Venayagam Balan, AOR

For Respondent(s) Ms. Arpita, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(SAPNA BISHT)
SENIOR PERSONAL ASSISTANT

(MALA KUMARI SHARMA)
COURT MASTER

(Corrected signed order is placed on the file)

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CRIMINAL APPELLATE JURISDICTION

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O R D E R

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application for discharge has been rejected. However, this is not a material fact which could have become the basis for dismissal of the petition under Section 482 of the Cr.P.C. filed by the appellant.

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Accordingly, this appeal is allowed and the charges in the proceedings in CC. No.404/2011 arising out of FIR No.54/11 stand quashed.

Pending application(s), if any, stands disposed of.

.....J.
(A.K. SIKRI)

.....J.
(ASHOK BHUSHAN)

NEW DELHI;
OCTOBER 27, 2017.

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UPON hearing the counsel the Court made the following
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