

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No.566 of 2010**

1. Bhuvneshwar Prasad, S/o Mahettar Lal Deshmukh, 61 years
 2. Smt. Shesh Kumar W/o Bhuneshwar Prasad Deshmukh, aged about 58 years,
 3. Gopal Krishan S/o Bhuneshwar Prasad Deshmukh, aged about 35 years,
- All R/o Hose No. 488 B Priyadarshini Nagar, Raipur

---- Appellants

Versus

State Of Chhattisgarh through District Magistrate Raipur, Distt. Raipur
(CG)

-----Respondent

For Appellant:	Shri Keshav Dewangan, Advocate.
For Respondent/State:	Shri Satish Gupta, Govt. Advocate.
For Complainant:	Shri Mayank Chandrakar, Advocate.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

29.8.2016

1. Learned Counsel for the Appellant submits that the present Appeal has been preferred against the conviction and sentence dated 2.8.2010 passed by the 10th Additional Sessions Judge, Raipur in Sessions Trial No.123/2008 for the offence punishable under Sections 498-A and 323/34 IPC wherein, the Appellants have been convicted and sentenced to undergo RI for 3 years and fine of Rs.2,000/-.

2. Pending the appeal before this Court, the parties to the dispute have entered into a compromise. By virtue of the said compromise, Complainant-Divya Deshmukh does not want to pursue with the Appeal any further and

prays for the closure of the case at this juncture as she is not interested to further prosecute the Appellants in lieu of the compromise.

3. Complainant-Divya Deshmukh who is present before the Court below, on a specific query being put to her, made a submission that the parties have entered into a settlement and she does not intend to prosecute the Appellants any further and wants the matter to be closed once for all. The Appellants are also present before this Court today and have also accepted the fact that the matter has been resolved amicably between them.

4. Learned State Counsel submits that since the parties have resolved their dispute among themselves, he has no objection in case the Appellants are permitted to compound the offences at this juncture.

5. On 13.7.2016, this Court had directed Complainant-Divya Deshmukh and the Appellants to appear before the Registrar (Judicial) on 8.8.2016 for recording their statements and the parties, as per the directions, have appeared before the Registrar (Judicial) and have given their statements which also form part of the order sheet in this case wherein also, the parties have accepted the fact of arriving at a settlement/compromise between them.

6. Taking into consideration the facts and circumstances of the case, particularly in the light of the submissions made by the Complainant before the Court today and also keeping in mind the principle laid down by the Supreme Court in the matter of **B.S. Joshi and others** reported in **(2003) 4 Supreme Court Cases 675**, I am of the opinion that it is a fit case where the petition deserves to be allowed.

7. In view the categorical statement made by the Complainant as well the Appellants, this Court is of opinion that once when the Complainant and the

accused have settled their matter and buried the dispute and differences, it would be an important consideration for the High Court while exercising the powers under Section 482 Cr.P.C to compound/quash the offence. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of **Gian Singh vs. State of Punjab & Another** [2012 (10) SCC 303] and also in the case of **Narinder Singh & Others vs. State of Punjab & Another** [2014 (6) SCC 466].

8. Another aspect which has to be borne in mind is that the parties to the dispute having entered into a settlement and compromised the matter, it would not be justified to drag these proceedings unnecessarily knowing fully well that the parties to the dispute itself have amicably reached to a settlement. In addition, the disputing parties are wife, her in-laws and husband.

9. Accordingly, the offence registered against the Appellants under Sections 498-A, 324, 323 & 506/34 IPC at P.S. New Rajendra Nagar, Raipur stands quashed and pursuant to the compromise, the criminal case registered against the petitioner in Crime No.0/07 registered as Sessions Trial No.123/08 for the offence punishable under Sections 498-A & 323/34 IPC also stands quashed. Resultantly, the judgment of conviction also stands quashed and set aside and the Appellants stand acquitted from all the charges.

10. In view of the above, the instant Appeal stands disposed of.

Sd/-

(P. Sam Koshy)

JUDGE