

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 618 of 2016**

1. Kirtan Dansena S/o Nand Lal Aged About 25 Years Caste Kalar - R/o Bodasagar, Tahsil Malkhrouda Police Station Dabhra, Distt. Janjgir - Champa Chhattisgarh
2. Sukanti Dansena W/o Nand Lal Aged About 48 Years Caste Kalar, R/o Bodasagar, Tahsil Malkhrouda Police Station Dabhra Distt. Janjgir - Champa Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Police Station - Dabhra, District Janjgir - Champa Chhattisgarh
2. Chhaya Bai Dansena W/o Kirtan Dansena Aged About 22 Years D/o Ramdeen Dansena, R/o Bodasagar, Tahsil Malkhrouda Police Station Dabhra Distt. Janjgir - Champa At Present R/o Village Barra P.S. Kharsia Distt. Raigarh Chhattisgarh

-----Respondents

For Petitioners:	Shri Dheerendra Pandey, Advocate.
For Respondent No.1/State:	Shri UKS Chandel, Panel Lawyer.
For Respondent No.2/Complainant:	Shri Manoj Jaiswal, Advocate.

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

2.8.2016

1. The present Petition has been taken up today at the joint request made by learned Counsel for the parties on IA No.2 which is an application under Section 320 Cr.P.C seeking for permission to compound the offence.
2. Brief facts of the instant case are that Petitioner No.1 is in jail and Petitioner No.2 is present before this Court today.
3. Learned Counsel for the parties state that Respondent

No.2/Complainant had lodged a First Information Report against the present Petitioners for the offence under Sections 498-A, 328 and 307/34 IPC.

4. Pending the case before the Trial Court, the parties have moved an application under Section 320 Cr.P.C for permission to compound the offence which was refused vide order dated 11/4/2016 leading to the filing of the present Petition. IA No.2 in the instant case is also filed seeking for permission for compounding the offence.

5. The Complainant/daughter-in-law i.e. Respondent No.2 and Petitioner No.2/mother-in-law are present before this Court today. The Complainant/Respondent No.2 represented in person along with her Counsel makes a submission that they have settled their dispute out of Court and that all the grievances between the parties have been buried and they intend to stay together and that she does not want to prosecute the Petitioners any further for which she has already filed an affidavit before this Court along with the application dated 2.8.2016. Petitioner No.2/mother-in-law also is present before this Court and submits that the disputes between them have been resolved and she too is willing to accept Respondent No.2 wholeheartedly without any reservations and complaints.

6. Learned Counsel appearing for Respondent No.2 also submits that he has verified from the Complainant/Respondent No.2 about the compromise between the parties that has been arrived at and therefore submits that the parties seems to have patched up their differences.

7. Learned State Counsel for the Petitioner makes a submission that since the parties to the dispute have already been resolved, they do not have any objection in case the offences are permitted to be compounded.

8. Taking into consideration the facts and circumstances of the case, particularly in the light of the submissions made by Petitioner No.2/mother-in-law and Respondent No.2/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.

9. In view the categorical statement made by the Complainant/Respondent No.2 as well the accused person/Petitioner No.2, 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 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].

10. 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, there is a minimal chance of the complainant coming forward in support of the prosecution case and the chances of conviction therefore appear to be very remote and it would not be justified to drag these proceedings unnecessarily knowing fully well the final outcome.

11. Accordingly, the offence registered against the Petitioners under Sections 498-A, 328 and 307/34 IPC at P.S. Dhabra, Distt. Janjgir-Champa stands quashed and pursuant to that, the criminal case registered against the

petitioner in Crime No.322/2014 registered as Sessions Trial No.60/15 for the offence punishable under Sections 498-A, 328 and 307/34 IPC also stands quashed.

12. In view of the above, the instant Cr.M.P stands disposed of.

Sd/-

(P. Sam Koshy)

JUDGE