

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.893 of 2016**

1. Mahesh Khelwani S/o Kishanchand Khelwani Aged About 35 Years R/o 01, Happy Home, Mahaveer Nagar, Thana Telibandha Raipur Distt. Raipur Chhattisgarh.
2. Harish Khelwani S/o Kishanchand Khelwani Aged About 31 Years R/o 01, Happy Home, Mahaveer Nagar, Thana Telibandha Raipur Distt. Raipur Chhattisgarh.
3. Smt. Sonia Khelwani W/o Harish Khelwani Aged About 28 Years R/o 01, Happy Home, Mahaveer Nagar, Thana Telibandha Raipur Distt. Raipur Chhattisgarh.

----- Petitioners**Versus**

1. State of Chhattisgarh Through Mahila Thana Raipur Chhattisgarh
2. Smt. Prerna Khelwani W/o Mahesh Khelwani Aged About 32 Years R/o Through Mahesh Jagmalani, Behind Nirankari Bhawan, Raipur, Distt. Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Ms. Smita Jha, Advocate.
For respondent/State	:	Shri OP Sahu, Govt. Advocate.
For respondent No.2	:	Shri Sunil Otvani, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/10/2016**

1. The present petition under Section 482 CrPC has been preferred by the Applicants seeking for quashment of the criminal proceedings in Crime No.36/2013.
2. According to the Counsel for the petitioners, the respondent No.2 has made a complaint against the petitioners for the offence under Section 498-A/34 IPC before the Police Station, Mahila Thana, Raipur, and

subsequently the matter was registered as Crime No.36/2013.

3. Pending the dispute between the parties, they have arrived at a compromise and the complainant i.e. respondent No.2 did not intend to prosecute the petitioners any further and had moved an application under Section 320(2) CrPC for permission to compound the offence, but the Court below has not considered the same, leading to filing of the present petition under Section 482 CrPC.
4. The petitioner No.1 and respondent No.2 (i.e. Husband and Wife) are present today before this Court. They have also filed an affidavit in respect of the compromise arrived at between the parties stating that they have amicably settled the dispute between them and that they do not intend to further prosecute the issue which is pending before the Court/Police Station and pray for quashing the same. On specific query being put to Respondent No.2/complainant, she states that she does not want to pursue the complaint case under Section 498-A/34 IPC any further and wants the dispute to be closed once for all.
5. In view of the categorical statement made by the complainant as well as the accused petitioner No.1, this Court is of the 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 CrPC to compound the offence. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of *Gian Singh v. State of Punjab & Another* [2012 (10) SCC 303] and also in the case of *Narinder Singh & Others v. State of Punjab & Another*

[2014 (6) SCC 466].

6. 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.
7. In view of the statement made by the complainant/Respondent No.2 and the accused-Petitioner No.1, and keeping in view the law laid down by the Supreme Court in the case of B. S. Joshi & others v. State of Haryana & Another [2003 (4) SCC 675] and in the case of Gian Singh (supra) and Narinder Singh (supra), this Court is of the opinion that it is a fit case where the parties can be permitted to compound the offence.
8. Accordingly, the present petition under Section 482 CrPC is allowed. The consequential proceedings in Crime No.36/2013 pending at Mahila Police Thana, Raipur, stands quashed and the petitioners who are the accused persons in that case, stand discharged from the offence punishable under Section 498-A/34 IPC.

Sd/-
(P. Sam Koshy)
Judge