

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 955 of 2016**

1. Shiv Prasad Bhardwaj S/o Kolutara, Aged About 59 Years R/o Village Mehendi, Tahsil Pamgard, Police Station Shivrinarayan, District Janjgir Champa, Chhattisgarh.
2. Mathura Bai W/o Shiv Prasad Bhardwaj Aged About 55 Years R/o Village Mehendi, Tahsil Pamgard, Police Station Shivrinarayan, District Janjgir Champa, Chhattisgarh.
3. Basant Bhardwaj S/o Shiv Prasad Bhardwaj Aged About 31 Years R/o Village Mehendi, Tahsil Pamgard, Police Station Shivrinarayan, District Janjgir Champa, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Police Station City Kotwali, Raigarh, District Raigarh, Chhattisgarh.
2. Nirmla Bharadwaj D/o Kalindar Ram Aged About 30 Years R/o In Front Of F C I Godam, Mittumuda Raigarh, Tahsil & District Raigarh, Chhattisgarh.

-----Respondents

For Petitioners:	Shri Vineet Kumar Pandey, Advocate.
For Respondent No.1/State:	Smt M. Asha, Panel Lawyer.
For Respondent No.2/Complainant:	Shri UKS Chandel, Advocate.

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

19.9.2016

1. The present Cr.M.P under Section 482 Cr.P.C has been filed seeking for quashment of the Criminal Case No.1279/2011 pending before the CJM, Raigarh wherein the Petitioners are being prosecuted for the offence punishable under Section 498-A/34 IPC.

2. This Court, vide its order dated 6.9.2016, had directed for the presence of the Complainant as well as the Petitioners so that the contents stated in the

affidavit can be verified. As per the order passed by this Court, the Petitioners as well as Respondent No.2/Complainant are present before this Court today. On a specific query being put by the Court to Respondent No.2/Complainant, she makes a submission that the matter has been settled out of Court and that she does not want the Petitioners to be prosecuted any further and wants the matter to be closed once and for all.

3. Learned State Counsel at this juncture submits that since Respondent No.2 who is present before this Court herself makes a submission that she does not want to prosecute the Petitioners, no fruitful purpose would be served in case the proceedings are further dragged and therefore, the State has no objection in case the matter is closed once and for all.

4. Taking into consideration the facts and circumstances of the case, particularly in the light of the submissions made by 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.

5. 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].

6. Accordingly, the offence registered against the Petitioners under Section 498-A IPC at P.S. City Kotwali, Raigarh stands quashed. As a consequence, the criminal case registered against the Petitioners as Criminal Case No.1279/2011 pending before the CJM, Raigarh for the offence

punishable under Section 498-A/34 also stands quashed.

7. In view of the above, the instant Cr.M.P is allowed.

Sd/-
(P. Sam Koshy)
JUDGE

Priya