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**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P No. 924 of 2016**

1. Tupesh Kumar S/o Bhanu Khande Aged About 24 Years R/o Village - Daukapa, Nathelapara, Police Station - Lormi, Distt. Mungeli Chhattisgarh
2. Bhanu Khande S/o Dharamdas Khande Aged About 45 Years R/o Village - Daukapa, Nathelapara, Police Station - Lormi, Distt. Mungeli Chhattisgarh
3. Bhuvan S/o Dharamdas Khande Aged About 35 Years R/o Village - Daukapa, Nathelapara, Police Station - Lormi, Distt. Mungeli Chhattisgarh
4. Heerabai W/o Bhanu Khande Aged About 40 Years R/o Village - Daukapa, Nathelapara, Police Station - Lormi, Distt. Mungeli Chhattisgarh

---- **Petitioners****Versus**

1. 1. State Of Chhattisgarh Through Station House Officer, Police Station - Lormi, Distt. Mungeli Chhattisgarh
2. Koushalya Bai W/o Tupesh Kumar Khande Aged About 23 Years R/o Village - Daukapa, Nathelapara, Police Station - Lormi, Distt. Mungeli Chhattisgarh

-----**Respondents**


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| For Petitioners:                 | Shri Raj Kumar Pali, Advocate. |
| For Respondent No.1/State:       | Shri OP. Sahu, Govt. Advocate. |
| For Respondent No.2/Complainant: | Shri Atanu Ghosh, Advocate.    |

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**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 permission of this Court for compounding of the offences and also to quash the entire criminal proceedings initiated against the Petitioners which is pending before the JMFC, Lormi, Distt. Mungeli in Criminal Case No.110/2014.
2. Learned Counsel for the Petitioners submits that the present

Petitioners/accused in the instant case are being prosecuted for the offences punishable under Section 498-A/34 IPC. According to him, Respondent No.2 is the Complainant and is the wife of Petitioner No.1. According to the Petitioners, pending the criminal case before the Court below, the parties have entered into a settlement and have resolved all their differences and Petitioner No.1 and Respondent No.2 are staying together after the compromise and therefore, Respondent No.2 is not interested to further prosecute the Petitioners for the alleged offence. It is also the contention of the Petitioners that initially when the case was registered, the Petitioners were also charged for the offence punishable under Sections 323, 506 and 498-A/34 IPC. However, on an application under Section 320 Cr.P.C, the Court below had permitted the Petitioners to compound the offences under Sections 294, 506-II and 323/34 IPC. However, since the offence under Section 498-A IPC is not compoundable, the Court proceeded to prosecute the Petitioners only for the said offence.

3. The Complainant is present in the Court and is also represented through a Lawyer. On a specific query being put, the Complainant agrees these facts and states that she wants the cases to be closed once and for all.

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

5. 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.

6. 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].

7. Accordingly, the offence registered against the Petitioners under Section 498-A IPC at P.S. Lormi, Distt. Mungeli stands quashed and pursuant to that, the criminal case registered against the Petitioners in Crime No.65/2014 registered as Criminal Case No.110/14 for the offence punishable under Sections 498-A and 323/34 IPC also stands quashed.

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

Sd/-  
(P. Sam Koshy)  
**JUDGE**