

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr. M. P. No. 937 of 2016**

1. Shrinivas Rao Naidu S/o Late Shri K.S.R. Naidu, aged about 45 years, Occupation Service (Posted as Section Officer at C.G. High Court, Bilaspur) R/o M.I.G. 226, Devrikhurd, Police Station Torwa, Tehsil Bilaspur, Revenue & Civil District Bilaspur, Chhattisgarh.
2. Arunendra Kumar Sharma S/o Late Shri C. P. Sharma, aged about 42 years, Occupation Service (Posted as Assistant Grade II at C.G. High Court, Bilaspur) R/o New Sarkanda, Bangalipara, Gali No. 3, P.S. Sarkanda, Tehsil Bilaspur, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh through Secretary, Department of Home Affairs, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur, Chhattisgarh.
2. Director of General Police, Police Headquarter, Raipur, Revenue & Civil District Raipur, Chhattisgarh.
3. Superintendent of Police Bilaspur, Revenue & Civil District Bilaspur, Chhattisgarh.
4. Station House Officer, Police Station Chakarbhata, Revenue & Civil District Bilaspur, Chhattisgarh.
5. Sonu Jaiswal D/o Santuram Jaiswal, aged about 30 years, Occupation Service (Posted as Assistant Grade III at C.G. High Court, Bilaspur) R/o Village Nawagarh, Bemetara, Tehsil Bemetara, Revenue & Civil District Bemetara, Chhattisgarh. [Complainant]

---- Respondents

For Petitioners	: Shri Surfaraj Khan, Advocate
For Respondents 1 to 4/State	: Shri Lav Sharma, Panel Lawyer
For Respondent No.5	: Shri Vikash Dubey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

02/12/2016

1. The present petition under Section 482 CrPC has been preferred seeking for quashment of the Criminal Case No. 179/2015 pending before the JMFC, Bilha, District Bilaspur.
2. The case in brief is that respondent No.5 Sonu Jaiswal had filed a complaint against the petitioners at Police Station Chakarbhata, Bilaspur where an FIR for the offence under Section 354-A/34 IPC was registered in Crime No. 289/14. After investigation, the Police filed charge sheet for the offence under Sections 354, 354-A, 509, 506, 35 of IPC whereas the Court below framed charges against the accused petitioners for the offence under Sections 354, 354-A (1) (ii) (iii), 509, & 506 Part-I of IPC. The matter was put to trial before the JMFC, Bilha, District Bilaspur which was registered as Criminal Case No. 179 of 2015.
3. Counsel for the petitioners submits that in the present case, charges were framed against the petitioners on 14.08.2015 but the evidence has not started. According to him, pending the case before the Court below, parties to the dispute have arrived at a compromise and they have resolved their disputes and grievances amicably and that the respondent No.5 complainant does not intend to prosecute the petitioners any further. He further submits that after amendment in Section 354 of IPC in the year 2013, the newly added Section 354-A becomes non-compoundable and therefore, the complainant thought it fit for moving the present petition under Section 482 Cr.P.C. seeking for quashment of the entire criminal proceedings in view of the compromise arrived at between the parties.

4. Both the parties are represented through their counsel. Complainant Sonu Jaiswal is also present before this Court along with her Advocate Shri Vikash Dubey.

5. On a specific query being put to the complainant Sonu Jaiswal by this Court, she makes a categorical statement that all the disputes between the parties have been resolved and she does not intend to prosecute the petitioners any further and wants the matter to be closed once and for all.

6. Counsel appearing for the respondent no.5 complainant submits that he has a specific instruction in this regard on behalf of the complainant that she does not want to prosecute the petitioners any further and wants the matter to be closed once and for all.

7. Counsel for the State also makes a submission that since the complainant who is present before this Court herself makes a submission that she has resolved all the disputes and grievances that she had with the petitioners and does not want to prosecute the present petitioners any further, the State does not have any objection if the matter is closed and the offence is permitted to be compounded.

8. In view of the categorical statements made by the Complainant Sonu Jaiswal, this Court is of the opinion that once when the Complainant and the petitioners have settled their matter, it would be an important consideration for the High Court while exercising the powers under Section 482 CrPC to compound the offence.

9. 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 **Central Bureau of Investigation, ACB, Mumbai v. Narendra Lal Jain and Others** [2014 (5) SCC 364].

10. Another aspect which has to be borne in mind is that since 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. In view of the statement made by the Complainant 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 **Central Bureau of Investigation** (*supra*), this Court is of the opinion that it is a fit case where the parties can be permitted to compound the offence and they are permitted to do so.

12. Consequently, the criminal proceedings against the present petitioners in Criminal case No. 179/2015 pending before the JMFC, Bilha, District Bilaspur stands quashed and the petitioners are discharged of the charges under Sections 354, 354-A (1) (ii) (iii), 509 & 506 Part-I of IPC.

13. The present CrMP thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE