

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1070 of 2016**

1. Omprakash Gupta S/o Late Nathuram Gupta, aged about 60 years, Occupation Business, R/o Mohalla Ramgudi, Baniya Para, Thana Raigarh, District Raigarh, Chhattisgarh.
2. Smt. Lata Gupta W/o Omprakash Gupta, aged about 51 years, Occupation House Wife, R/o Mohalla Ramgudi, Baniya Para, Thana Raigarh, District Raigarh, Chhattisgarh.
3. Smt. Sonal Gupta W/o Rahul Gupta, aged about 26 years, Occupation House Wife, R/o Mohalla Ramgudi, Baniya Para, Thana Raigarh, District Raigarh, Chhattisgarh.
4. Prakash Gupta S/o Late Nathuram Gupta, aged about 40 years, R/o Mohalla Ramgudi, Baniya Para, Thana Raigarh, District Raigarh, Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh through the City Kotwali Raigarh, Tahsil & District Raigarh, Chhattisgarh.
2. Smt. Monika Gupta W/o Prakash Gupta, aged about 36 years, R/o Mohalla Ramgudi, Baniya Para, Thana Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioners	: Shri N. K. Malaviya, Advocate
For Respondent no.1/State	: Shri O. P. Sahu, Govt. Advocate
For Respondent no.2	: Shri Akhilesh Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/09/2016**

The present petition under section 482 Cr.P.C. has been filed seeking for compounding the offence under Sections 498A, 323/34 of IPC registered at City Kotwali, Raigarh in Crime No.622/2015 on 15.08.2015 and quashment of the subsequent Criminal case no. 202100005222016 pending before the Chief Judicial Magistrate, Raigarh.

2. Counsel for the petitioners submits that pending the case before the Court below, the parties to the dispute i.e. the complainant Monika Gupta and the present petitioners have settled their disputes out of the

Court and the complainant does not intend to prosecute the petitioners any further. He further submits that the complainant also does not want the petitioners to face the trial any further as she is staying with the petitioners happily.

3. Both the parties are represented through their counsel. Complainant Monika Gupta and all the petitioners are also present before this Court.

4. On a specific query being put to the complainant Monika Gupta by this Court, she makes a categorical statement that the matter has been settled between the parties and she is staying along with the petitioners. The complaint further states that she does not intend to prosecute the petitioners any further and wants the matter to be closed once and for all.

5. State counsel also does not oppose the petition on the ground that since the dispute is primarily between the petitioners and the respondent no.2/complainant and the complainant who is present before this Court states that she does not want to prosecute the petitioners any further. State counsel further submits that the State does not have any objection in case the offence is compounded in the light of the statement made before this Court by the complainant and the affidavit given by her.

6. Considering the total facts and circumstances of the case and keeping in view the law laid down by the Supreme Court in the Case of B. S. Joshi and Others Vs. State of Haryana and Another¹, in the case of Gian Singh Vs. State of Punjab and Another² and also in the case of Narinder Singh and Others Vs. State of Punjab and Another³, this Court is of the opinion that no fruitful purpose would be served if the petitioners are put to face the trial particularly taking note of the fact that the complainant herself present before this Court today states that she is

1 2003 (4) SCC 675

2 2012 (10) SCC 303

3 2014 (6) SCC 466

staying with the petitioners and does not want to prosecute the petitioners any further.

7. 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 the proceeding unnecessarily knowing fully well the final outcome.

8. Accordingly, the parties are permitted to compound the offence under Sections 498A, 323/ 34 of IPC registered at City Kotwali, Raigarh in Crime No.622/2015. Consequently, the criminal proceedings against the present petitioners in Criminal case no. 202100005222016 pending before the Chief Judicial Magistrate, Raigarh stands quashed and the petitioners are discharged of the charges under Sections 498A, 323/34 of IPC.

9. The present CrMP thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE