

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 1308 OF 2016

1. Manoj Soni, S/o Late Satyanarayan Soni, aged 33 years.
 2. Rajendra Kumar Soni, S/o Late Satyanarayan Soni, aged 40 years.
 3. Smt. Rupa Soni, W/o Rajendra Kumar Soni, aged 32 years.
 4. Krishna Bai, W/o Late Satyanarayan Soni, aged 66 years.
- All the Petitioners are R/o Ward No.8, Hatri Chowk Sakti, Post, P.S. & Tahsil Sakti, Revenue & Civil District Janjgir-Champa (C.G.)

... Petitioners

Versus

1. State of Chhattisgarh, through Secretary, Department of Home Affairs, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (C.G.)
2. Superintendent of Police, Janjgir-Champa, Revenue & Civil District Janjgir-Champa (C.G.)
3. Station House Officer, Police Station- Sakti, Revenue & Civil District Janjgir-Champa (C.G.)
4. Smt. Neetu Soni, W/o Shri Manoj Soni, D/o Late Banwari Lal Soni, aged 32 years, presently R/o M.P. Nagar, Atal Awas, House No. 176, Korba, Post & Tahsil Korba, P.S. City Kotwali, Revenue & Civil District Korba (C.G.)

... Respondents

For Petitioners	:	Mr. Surfaraj Khan, Advocate.
For Respondents 1 to 3	:	Mr. Bhaskar Payashi, Panel Lawyer.
For Respondent 4	:	Mr. Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/11/2016

1. The present petition under Section 482 of CrPC has been preferred by the Petitioners seeking for quashment of Criminal Case No. 693 of 2015 pending before the Judicial Magistrate First Class, Sakti, District Janjgir-Champa.
2. Case of the prosecution in brief is that the Respondent No.4/Complainant had lodged a complaint against the present Petitioners at Police Station, Sakti, District Janjgir-Champa where the offence under Sections 323, 498-A, 506-II/34 of IPC was registered against them. After investigation, charge-sheet was filed and the matter was put to trial before

the Court of Judicial Magistrate First Class, Sakti, District Janjgir-Champa vide Criminal Case No. 693 of 2015.

3. Pending the dispute before the Trial Court, the parties to the dispute have amicably settled their dispute and have resolved all their grievances and thereafter they had moved an application under Section 320(2) of CrPC before the Trial Court for compounding the offence under Sections 323, 498-A, 506-II/34 of IPC. Upon hearing the said application, the Trial Court vide its order dated 25.10.2016 permitted the disputing parties to compound the offence under Sections 506-II, 323/34 of IPC. However, since the offence under Section 498-A of IPC was not compoundable, the Trial Court refused to compound the said offence and proceeded further with the trial, leading to the filing of the present petition under Section 482 of CrPC.

4. All the Petitioners as well as Respondent No.4/Complainant are present before this Court along with their respective lawyers. On a specific query being put to the Respondent No.4/Complainant, she admits the fact that the matter has been amicably settled and resolved between them and she does not intend to prosecute the Petitioners any further and wants the matter to be closed once and for all.

5. Counsel for Respondent No.4/Complainant also submits that he has also sought instructions from the Complainant and she has made the same statement to him that she wants the matter to be closed forever.

6. Counsel for the State also submits that since the Respondent No.4/Complainant herself being present before this Court makes a statement that she does not want to prosecute the Petitioners any further, the State also does not have any objection if the matter is permitted to be closed.

7. At this juncture, it would be trite to refer to the decision of the Supreme Court rendered in the matters of **B. S. Joshi & others v. State of Haryana & Another** [2003 (4) SCC 675], **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], wherein the Supreme Court has categorically held that in the event if the parties have amicably resolved their disputes and have moved an application for compounding the same and that the offence not being a crime against the society as it being private dispute between the two persons, the same can be permitted to be closed in the interest of justice or else the accused would have to undergo the trauma of trial unnecessarily when everybody knows that the end result would be that of an acquittal in the light of settlement and that there being no possibility of the complainant deposing against the accused.

8. Thus, taking into consideration the peculiar facts and circumstances of the case and in view of the statement made by the respondent-complainant and also keeping in view the law laid down by the Supreme Court in the cases of B. S. Joshi, Gian Singh 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.

9. Accordingly, the consequential proceeding of Criminal Case No. 693 of 2015 pending before the Judicial Magistrate First Class, Sakti, District Janjgir-Champa stands quashed and the Petitioners, who are accused in the said criminal case, are discharged from the offence under Section 498-A of IPC.

10. The Criminal Misc. Petition is allowed.

Sd/-
(P. Sam Koshy)
Judge