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HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 11 OF 2016

Parvati Jangde W/o Shri Narottam Kumar Sahu Aged About 31 Years R/o Police Quarter No. 3 Turi Hatri, Purani Basti, Lohar Chowk, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

1. Narottam Sahu S/o Shri Ramjeevan Sahu Aged About 29 Years
2. Yogesh Sahu S/o Late Horilal Sahu Aged About 43 Years
Both R/o Village Pateva, Police Station Ghumka, District Rajnandgaon Chhattisgarh.
3. State Of Chhattisgarh Through Station House Officer, Police Station A J A K, Raipur, District Raipur Chhattisgarh.
4. Ramjeevan Sahu S/o Shri Ram Sahu Aged About 48 Years R/o. Village Balodeopur, P.S. Khairagarh District Rajnandgaon Chhattisgarh.
5. Geeta Bai Sahu W/o Ramjeevan Sahu Aged About 45 Years R/o Village Baldeopur, P.S. Khairagarh District Rajnandgaon Chhattisgarh.
6. Glab Ram Sahu S/o Ramjeevn Sahu Aged About 25 Years R/o Vilalge Baldeopur, P.S. Khairagarh District Rajnandgaon Chhattisgarh.
7. Hembai Sahu W/o Hareshwer Sahu Aged About 38 Years R/o Village Patewa, P.S. Ghumka, District Rajnandgaon Chhattisgarh.

... Non-applicants

For Applicant	:	Shri YC Sharma, Advocate.
For Non-applicant/State	:	Shri Rajendra Tripathi, Panel Lawyer.
For respondents No.1,2 & 4 to 7	:	Shri Pushkar Sinha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/07/2016

1. The present petition under Section 482 CrPC has been preferred by the Applicant, who is the complainant, seeking for quashment of the criminal proceedings in Special Sessions Trial No.17/2015 pending before the Special Judge (Atrocities), Raipur.
2. According to the Counsel for the Applicant, the present applicant who is the wife of respondent No.1-Narottam Sahu had made a complaint for the offence under Section 498-A, 506/34 IPC as also under Section

3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 before the Police Station, AJK, Raipur, and subsequently the matter was put to trial before the Special Judge (Atrocities), Raipur in Special Sessions Trial No.17/2015.

3. Pending the dispute between the parties, they have arrived at a compromise and the Applicant/complainant did not intend to prosecute the Applicants No. 1,2 and 4 to 7 any further and had moved an application under Section 320(2) CrPC for permission to compound the offence, but the Court below has not considered the same, leading to filing of the present petition under Section 482 CrPC.

4. All the Applicants are present today before this Court including Applicant-complainant, Parvati Jangde, and the respondent No.1-Narottam Sahu (Husband) and they have also filed affidavit in respect of the compromise arrived at between the parties stating that they have amicably settled the dispute between them and that they do not intend to further prosecute the issue which is pending before the Court below and pray for quashing the same. Applicant/complainant states that she is presently residing with her husband-respondent No.1 and that she does not have any grievance at all now.

5. In view of the categorical statement made by the complainant/Applicant as well as the accused persons/respondents No.1,2 & 4 to 7, this Court is of the opinion that once when the complainant and the accused have settled their matter and buried the dispute and differences, it would be an important consideration for the High Court while exercising the powers under Section 482 CrPC to compound the offence. 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 **Narinder Singh & Others v. State of Punjab & Another** [2014 (6) SCC 466].

6. Another aspect which has to be borne in mind is that 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.

7. In view of the statement made by the complainant/Applicant and the accused persons/respondents No.1,2 & 4 to 7 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 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.

8. Accordingly, the present petition under Section 482 CrPC is allowed. The consequential proceedings of Special Sessions Trial No.17 of 2015 pending before the Special Judge (Atrocities), Raipur, stand quashed and the respondents No.1,2 & 4 to 7, who are the accused persons in that case, stand discharged from the offence punishable under Section 498-A and 506-B IPC as also under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Sd/-
(P. Sam Koshy)
Judge