

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 1118 of 2015**

1. Kumar Shiv Prakash S/o Sahjanand Prasad Aged About 41 Years R/o 201, Garden Apartment, Maitri Kunj, Risali, Bhilai, Tahsil & District Durg Chhattisgarh
2. Pravin Singh S/o R. K. Singh Aged About 40 Years R/o Flat No. 126/1, Maitri Kunj, Risali, Bhilai, Tahsil & District Durg Chhattisgarh
3. Ashwin Martin S/o H. H. Martin Aged About 47 Years R/o Phase - 6, Flat No. 29, Maitri Nagar, Risali, Bhilai, Tahsil & District Durg Chhattisgarh
4. Kalam Khan S/o Mohammad Rasul Aged About 50 Years R/o Ruwabandha Town (Basti), Near Wine-Shop (County-Liquor), Bhilai, Tahsil & District Durg Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh & Ors. Through - The Station House Officer, P.S. Utai, District Durg Chhattisgarh
2. Sunil Sharma S/o R.A. Sharma Aged About 52 Years R/o Flat No. 550/06, Street No. 4, Ashish Nagar, Risali, Bhilai Tahsil & District Durg Chhattisgarh

-----Respondents

For Petitioner:	Shri MPS Bhatia, Advocate.
For Respondent No.1/State:	Shri Anupam Dubey, Dy. Govt. Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

15.7.2016

1. The instant Cr.M.P has been filed by the Petitioners under Section 482 Cr.P.C seeking for quashment of the FIR for offence punishable under Sections 420, 467, 468 and 471//34 IPC in a proceeding pending before the JMFC, Durg i.e. Criminal Case No.6800/2015.

2. According to Learned Counsel for the Petitioners, originally Respondent No.2 has filed a complaint against the present Petitioners for which offence under Sections 420, 467, 468 and 471/34 IPC was registered. However, pending the case before the Trial Court, the parties have entered

into an out of Court settlement and they wanted the matter to be compounded and the Complainant intended not to prosecute the present Petitioners any further. On their application under Section 320 (2) Cr.P.C before the Court below, permitted them to compound the offence under Section 420 IPC vide order dated 3.11.2015 (Annexure A-1) and had compounded the offence under Section 420 IPC. However, offence under Sections 467, 468 and 471/34 IPC were not compoundable and therefore, the Court below did not permit the Petitioners to compound the said offence and ordered for proceeding with the trial for the offence under Sections 467, 468 and 471/34 IPC.

3. It is on this ground that the present Cr.M.P under Section 482 Cr.P.C has been filed submitting that since the parties had entered an out of Court settlement and the Complainant who is also present before the Court today makes a submission that he does not intend to prosecute the Petitioners any further and wants the matter to be closed once and for all as his grievance, in the course of the pendency of the trial has been redressed. He has also received all the dues that were payable by way of compromise the Petitioners who are present before the Court today pray that the matter may be permitted to be compoundable.

4. Learned Counsel appearing for Respondent No.2/Complainant present along with the Complainant before the Court also does not have any objection for the same.

5. Learned State Counsel also submits that since the disputing parties have already resolved their dispute amicably out of Court, he does not have any objection if the offence is compounded.

6. Taking into consideration the facts and circumstances of the case,

more particularly the statement made by the Complainant as also the affidavit furnished by all the parties to the dispute and also being not opposed by Learned State Counsel, in the light of the order passed by the Supreme Court in the matter of **B.S. Joshi and others** reported in **(2003) 4 Supreme Court Cases 675**, this Court is of the opinion that present is a fit case to be allowed.

7. Accordingly, proceedings under the Criminal Case No.6800/2015 stand quashed and the Petitioners are acquitted from the charge punishable under Sections 467, 468 and 471/34 IPC.

8. In the result, the instant Cr.M.P stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE