

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 582 OF 2016

1. Pratap Bhattacharya, S/o Mrityunjay Bhattacharya, aged 41 years,
 2. Mrs. Tapati, W/o Mrityunjay Bhattacharya, aged 62 years,
 3. Mrs. Uma Bhattacharya, W/o Subhash Bhattacharya, aged 34 years,
 4. Mrs. Mohini Bhattacharya, W/o Pratap Bhattacharya, aged 35 years,
- All resident of Surajmukhi House No.1, Rajkishore Nagar, Police Station Sarkanda, Bilaspur, District- Bilaspur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Sarkanda, District- Bilaspur (C.G.)

... Non-applicant

For Applicants	:	Mr. Sudhir Kumar Verma, Advocate.
For Non-applicant/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/07/2016

1. The present petition under Section 482 CrPC has been preferred by the Applicants, who are the complainant as well as accused persons, seeking for quashment of the criminal proceedings in Criminal Case No. 2982 of 2014 pending before the Judicial Magistrate First Class, Bilaspur.
2. According to the Counsel for the Applicants, the Applicant No.4/complainant, Mrs. Mohini Bhattacharya, who is the wife of Applicant No.1, Pratap Bhattacharya, had initially lodged a complaint under Section 498-A read with Section 34 of IPC against the Applicants No. 1, 2 and 3 before Mahila Police Station, Raipur and subsequently the matter was put to trial before the Judicial Magistrate First Class, Bilaspur in Criminal Case No. 2982 of 2014.
3. Pending the dispute between the parties, they have arrived at a compromise and the Applicant No.4/complainant did not intend to prosecute the Applicants No. 1, 2 and 3 any further and had moved an

application under Section 320(2) CrPC for permission to compound the offence. But, the Court below vide order dated 5.5.2016 had rejected the said application, leading to filing of the present petition under Section 482 CrPC.

4. All the Applicants are present today before this Court including Applicant No.4/complainant, Mrs. Mohini Bhattacharya, and they have also filed separate affidavits 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 No.4/complainant states that she is presently residing with her husband and their children happily and that she does not have any grievance at all now.

5. In view of the categorical statement made by the complainant/Applicant No.4 as well as the accused persons/Applicants No. 1, 2 and 3, 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 No.4 and the accused persons/Applicants No.1, 2 and 3 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 Criminal Case No.2982 of 2014 pending before the Judicial Magistrate First Class, Bilaspur stand quashed and the Applicants No.1, 2 and 3, who are the accused persons in that case, stand discharged from the offence punishable under Section 498-A IPC.

Sd/-
(P. Sam Koshy)
Judge