

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 872 OF 2016

1. Manjeet Khatri S/o Subhashchandra Khatri, Aged About 29 Years.
2. Subhashchandra Khatri S/o Late Sanakiram Khatri Aged About 61 Years.
3. Smt. Santosh Khatri W/o Subhashchandra Khatri Aged About 59 Years.
4. Smt. Nitu Bhasin W/o Shri Dilip Bhasin, Aged About 34 Years.
5. Smt. Neelam Sarin W/o Shri Swatantra Kumar Sarin, Aged About 32 Years.
6. Ku. Pinki @ Sheetal Khatri D/o Shri Subhashchandra Khatri Aged About 31 Years.
7. Ku. Sandeepa Khatri D/o Shri Subhashchandra Khatri Aged About 24 Years.

All residing at Qr. No. 923, Street 09, Shanti Nagar, Kurud Road, Kohka, Bhilai, P.S. Supela, District Durg (C.G.)

... Petitioners

Versus

1. State of Chhattisgarh, through District Magistrate, Durg, District Durg (C.G.)
2. Kaamna Khatri W/o Manjeet Khatri, Aged About 28 Years, R/o EWS 313, Vaishali Nagar, Bhilai, District Durg, Chhattisgarh.

Currently residing at Qr. No.923, Street 09, Shanti Nagar, Kurud Road, Kohka, Bhilai, P.S. Supela, District Durg (C.G.)

... Respondents

For Petitioners	:	Mr. Jaydeep Singh Yadav, Advocate.
For Respondent No.1	:	Mr. U.K.S. Chandel, Panel Lawyer.
For Respondent No.2	:	Mr. Pramod Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/08/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioners seeking for quashment of Criminal Case No. 58 of 2013 pending before the Judicial Magistrate First Class, Durg in connection with Crime No. 41 of 2012 registered at Police Station- Mahila Thana, Durg for the offence under Section 498A/34 of IPC.

2. According to the Counsel for the Petitioners, originally Respondent No.2-Complainant has filed a complaint against the present Petitioners for which offence under Section 498A/34 of IPC was registered against them at Police Station- Mahila Thana, Durg as Crime No. 41 of 2012 and the matter thereafter was put to trial before the Court of Judicial Magistrate First Class, Durg vide Criminal Case No. 58 of 2013.

3. Pending the dispute between the parties before the Court below, the parties have amicably resolved the dispute and have arrived at a settlement. Respondent No.2-Complainant did not intend to prosecute the accused Petitioners any further and therefore she had moved an application under Section 320(1) CrPC for permission to compound the offence. But, the Court below vide its order dated 15.5.2014 had rejected the said application refusing to compound the said offence under Section 498A of IPC and ordered for proceeding with the trial further, leading to filing of the present petition under Section 482 of CrPC.

4. All the accused Petitioners and Respondent No.2-Complainant are present before this Court today, along with their respective Counsels.

5. On a query being put to Respondent No.2-Complainant by this Court she has categorically stated that the dispute has been resolved amicably between the parties and she does not want to prosecute the Petitioners any further and the matter may be closed once and for all.

6. Learned Counsel for the Petitioners submits that Respondent No.2-Complainant, Kaamna Khatri, is the wife of Petitioner No.1, Manjeet Khatri, and that they have resolved the dispute between the parties and are staying together and in the light of settlement arrived at between the parties they do not intend to contest the prosecution case any further which has been filed on the basis of the complaint of Respondent No.2.

7. Learned Counsel for Respondent No.2-Complainant submits that he has specific instructions that she has compromised the dispute between the parties and does not want to prosecute the Petitioners any further.

8. Learned Counsel for the State also submits that since Respondent No.2-Complainant herself does not want to prosecute the accused Petitioners, the State also does not have any objection if the matter is closed and the offence is permitted to be compounded.

9. In view of the categorical statement made by Respondent No.2-Complainant, 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.

10. 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].

11. 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 these proceedings unnecessarily knowing fully well the final outcome.

12. In view of the statement made by Respondent No.2-Complainant 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.

13. Accordingly, the present petition under Section 482 of CrPC is allowed. The impugned order dated 15.5.2014 is set aside and the consequential proceedings of Criminal Case No. 58 of 2013 pending before the Judicial Magistrate First Class, Durg stand quashed and the Petitioners, who are the accused persons in that case, stand discharged from the offence punishable under Section 498-A read with Section 34 of IPC.

/sharad/

Sd/-
(P. Sam Koshy)
Judge