

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 985 of 2015**

1. Noni Bai @ Pirdihin Sahu W/o Ghasnshyam Sahu Aged About 64 Years R/o Village Kaansa, P.S. Dabhra, Civil & Rev. Distt. Janjgir Champa, Chhattisgarh.
2. Mahipal @ Mahipat Lal Sahu S/o Ghanshyam Sahu Aged About 44 Years R/o Village Kaansa, P.S. Dabhra, Civil & Rev. Distt. Janjgir Champa, Chhattisgarh.
3. Rathkunwar Sahu W/o Mahipal Sahu Aged About 41 Years R/o Village Kaansa, P.S. Dabhra, Civil & Rev. Distt. Janjgir Champa, Chhattisgarh.
4. Boniram Sahu S/o Ghanshyam Sahu Aged About 37 Years R/o Village Kaansa, P.S. Dabhra, Civil & Rev. Distt. Janjgir Champa, Chhattisgarh.

---- Petitioners**Versus**

1. Hemkumari @ Khemkumari Sahu W/o Rajkumar Sahu R/o Village Kosa, P.S. Dabhra, Civil & Rev. Distt. Janjgir Champa, Chhattisgarh.
2. State Of Chhattisgarh Through District Magistrate Raigarh, Distt. Raigarh, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Abhishek Saraf, Advocate
For Respondent no.1	:	Shri R.N. Pusty, Advocate
For Respondent no.2/ State:	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.06.2016**

The present Cr.M.P. has been filed seeking permission of the Court to compound the offence for which the Petitioner have been charged and convicted.

2. The Petitioners were charged for the offence U/s 498-A/34 of the I.P.C. in Criminal Case No. 306/2009 and the Court found the Petitioners guilty and convicted them and sentenced them for R.I. for 1 year and fine of Rs. 500/- each vide order dated 26.07.2014.

3. The Petitioners had preferred a Criminal Appeal before the 5th Additional Sessions Judge as Criminal Appeal No. 351/2014.

4. During the pendency of the Appeal the Complainant and Petitioners have settled their differences and have struck a compromise. Accordingly they had moved application before the Appellate Court under Section 320(1) and 320(5) of the Cr.P.C. which got rejected leading to the filing of the present Petition.

5. As directed by this Court on previous occasion, Petitioners No.1 to 4 namely Noni Bai @ Pirdihin Sahu, Mahipal @ Mahipat Lal Sahu, Rathkunwar Sahu, Boniram Sahu and Respondent No.1 Hemkumari @ Khemkumari Sahu are present before this Court. On a specific query being put to the parties, the Petitioners as well as Respondent No.1/complainant made a statement that they have settled the dispute and do not want to agitate the matter any further. Respondent No.1/complainant of her own voluntarily stated that she is not interested in prosecuting the petitioners any further and wants to withdraw the complaint and allegations levelled against the petitioners.

6. In view of the categorical statement made by the Complainant/ Respondent No. 1 as well as Petitioners No.1 to 4, this Court is of the opinion that once when the complainant and the accused having 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 Cr.P.C. to compound the offence. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of Gian Singh Vs. State of Punjab¹ and Another and also in the case of Narinder Singh and Others Vs. State of Punjab and Another².

1 2012 (10) SCC 303

2 2014 (6) SCC 466

7. 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, it would not be justified to drag these proceedings unnecessarily.

8. In view of the statement made the Respondent No.1/Complainant as well as by Petitioners No.1 to 4 and keeping in view the law laid down by the Supreme Court in the Case of B. S. Joshi and Others Vs. State of Haryana and Another³ and also in the case of Gain 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.

9. Accordingly, the present petition filed under Section 482 Cr.P.C. is allowed and the charges levelled against the petitioners for the offence punishable under Section 498(A)/34 IPC as well as the consequential proceedings and the conviction are all set aside and quashed and consequentially the Appeal also stands allowed and the Petitioners stand acquitted of the charges under Section 498-A/34 of the I.P.C..

10. The order of this Court be sent the Court below for appropriate orders to be passed in Criminal Appeal No. 351/2014 pending before the 5th Additional Sessions Judge, Raigarh.

**Sd/-
(P. Sam Koshy)
JUDGE**