

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 973 of 2016

1. Bhupendra Tiwari S/o Kuber Tiwari Aged About 38 Years R/o Shri Vihar Sarkanda, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.
2. Kuber Tiwari S/o Janardan Prasad Tiwari Aged About 70 Years R/o Shri Vihar Sarkanda, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.
3. Smt. Sulochana Tiwari W/o Kuber Tiwari Aged About 65 Years R/o Shri Vihar Sarkanda, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.
4. Ranjana Panday D/o Kumber Tiwari R/o Shri Vihar Sarkanda, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. Smt. Ganga Sharma W/o Bhupendra Tiwari Aged About 26 Years D/o Putendra Ishwar Sharma, R/o Presently Residing At Baikunthpur, District Raigarh, Chhattisgarh.
2. State Of Chhattisgarh Through State House Office, Police Station, Sarkanda District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mrs. Renu Kochar, Advocate
For Respondent No. 1	:	Mrs. Prabha Sharma, Advocate
For Respondent No. 2	:	Mr. Gary Mukhopadhyaya, Dy. Govt. Advocate

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

30/09/2016

1. The present petition under Section 482 CrPC has been preferred by the Applicants/Accused seeking for quashment of the criminal proceedings in Criminal Case No. 6157 of 2016 pending before the Judicial Magistrate First Class, Bilaspur.
2. Learned Counsel for Non-applicant No.1 submits that after filing of the present petition, the parties have entered into a settlement and by virtue of that they have got mutually divorced and have also decided to withdraw all the criminal cases pending against each other. Further, it has been submitted that the parties has filed an affidavit of the Applicant No. 1 and Non-applicant No. 1, who were

husband and wife for compromise.

3. All the Applicants/Accused are present today before this Court. The Non-applicant No.1 also along with her Counsel is present before the Court.
4. Non-applicant No.1/Complainant has filed a separate affidavit before this Court in respect of the compromise arrived at between the parties stating that Non-applicant No.1 and Applicant No.1 have got mutually divorced and that she has amicably settled the dispute with the Applicants/Accused and that she does not intend to further prosecute the issue i.e., Criminal Case No. 6157 of 2016, which is pending before the Judicial Magistrate First Class, Bilaspur against the petitioners and pray for quashing the same.
5. On a query being put to Non-applicant No.1 by this Court, she has categorically stated that the dispute has been resolved amicably between the parties and she does not want to prosecute them any further and the matter may be closed once and for all.
6. Learned Counsel for the State also submits that since the Non-applicant No.1 herself does not want to prosecute the Applicants/Accused, the State does not have any objection if the matter is closed and the offence is permitted to be compounded.
7. In view of the categorical statements made by the Complainant/Non-Applicant No.1 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.
8. 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].
9. 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.

10. In view of the statement made by the Complainant/Non-applicant No.1 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.
11. Accordingly, the petition under Section 482 CrPC is allowed. The consequential proceedings of Criminal Case No. 6157 of 2016 pending before the Judicial Magistrate First Class, Bilaspur stand quashed and the Applicants No.1, 2, 3 and 4, namely, Bhupendra Tiwari, Kuber Tiwari, Smt. Sulochana Tiwari and Ranjana Pandey respectively, who are the accused persons in that case, stand discharged from the offence punishable under Section 498-A read with Section 34 of IPC.

Sd/-

(P.Sam Koshy)
Judge