

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 510 of 2013**

1. Piladau S/o Sukhiram Satnami, aged about 22 years, R/o Village Labhrakala, P.S Mahasamund, Distt. Mahasamund, C.G
2. Birjhabai W/o Khilawan, aged about 50 years, R/o Village Barbaspur, P.S. Mahasamund, Distt. Mahasamund, C.G.
3. Pannalal Bharti, S/o Bhekhanlal Bharti, aged about 37 years, R/o Village Barbaspur, P.S. Mahasamund, Distt. Mahasamund, C.G.
4. Anandram S/o Sukhiram Satnami, aged about 26 years, R/o Subhash Nagar, Ward No 16, Mahasamund, Distt. Mahasamund, C.G.

---- Appellants

Versus

State of Chhattisgarh through – Station House Officer, Police Station Mahasamund, C.G.

---- Respondent

For Appellants	: Shri Rahim Ubwani, Advocate
For Respondent/State	: Smt. Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/12/2016**

The appellants in the instant appeal stand convicted for the offence under Sections 363, 366 & 368 of IPC and sentenced to undergo rigorous imprisonment for three years with fine of Rs.500/- on each count with default stipulations vide order dated 06.05.2013 passed by the 2nd Additional Sessions Judge, Mahasamund in Sessions Trial No. 28 of 2011.

2. During the pendency of this appeal, parties to the dispute moved an application i.e. I.A. No. 01/2016 seeking permission of this Court to compound the offence.

3. This Court on 28.11.2016 had ordered the parties to the dispute to enter appearance before the Registrar (J) on 9th of December, 2016 and record their statement with regard to the compromise arrived at between the parties. Now, the matter has come up today before this Court for further order in the light of the statement of the victim as well as the accused persons recorded by the Registrar (J).

4. Counsel for the appellants submits that the victim Chandrakala has married appellant No.1 Piladau and now they are living together happily. According to the counsel for the appellants, since the victim and the appellants have already resolved their grievances, the victim does not want the appellants to face the trial any further and prays that they may be permitted for closing the matter once and for all.

5. State counsel submits that the matter has already been enquired upon by the Police Authorities and they have received a report that appellant No.1 Piladau has married the victim Chandrakala and they are living together happily. State counsel further submits that since the parties to the dispute have amicably resolved their grievances and the victim does not want to prosecute the appellants any further, the State does not have any objection if the matter is closed and the offence is permitted to be compounded.

6. In view of the statement made by the victim Chandrakal, this Court is of the opinion that when the victim and the appellant No.1 have got married and they are staying together happily as husband and wife, no fruitful purpose would be served if the parties are made to undergo the trauma and it will also not be in the interest of justice if the appellants are still ordered to undergo the remaining sentence.

7. 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 **Central Bureau of Investigation, ACB, Mumbai v. Narendra Lal Jain and Others** [2014 (5) SCC 364].

8. In view of the statement made by the victim and also keeping in view the law laid down by the Supreme Court in the cases of **B. S. Joshi & others v. State of Haryana & Another** [2003 (4) SCC 675], **Gian Singh** (*supra*) and **Central Bureau of Investigation** (*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, I.A. No.01/2016 stands allowed and the parties to the dispute are permitted to compound the offence.

10. Consequently, the present appeal is allowed and the appellants are acquitted from the offence under Sections 363, 366 & 368 of IPC. If they are in jail they may be released from jail forthwith, if not required in any other case. Those who are on bail, their bail-bond stands discharged subject to the provision of Section 437-A Cr.P.C.

Sd/-

(P. Sam Koshy)
JUDGE