

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1025 of 2015**

1. Paramjeet Singh S/o Raghuveer Singh Aged About 51 Years
 2. Smt. Jasveer Kaur W/o Paramjeet Singh Aged About 48 Years
 Both are R/o Near Shriram Mandir, House No. 315, Banbarad, Ward No. 13, Post-Nandini Mines, Police Station - Nandini, Tahsil - Dhamdha, District - Durg Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Station House Officer, Police Station - Durg, District - Durg Chhattisgarh.
2. Ajeet Kumar Dixit S/o Mahesh Chandra Dixit Aged About 38 Years R/o Sunder Nagar, Bhilai, District - Durg Chhattisgarh

---- Respondent

For Petitioners	Shri Avinash Chand Sahu, Advocate.
For State	Shri Lav Sharma, Panel Lawyer.
For respondent No.2	Shri PR Patankar, Advocate.

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

1. The present petition under Section 482 CrPC has been preferred by the petitioners against the order dated 28.09.2015 passed in Criminal Revision No.82/2015 by the IInd Additional Sessions Judge, Durg, whereby the revisional court has rejected the revision petition preferred against taking cognizance in complaint case No.366/2013 by the JMFC, Durg.
2. Pending the petition before this court, the parties to the dispute i.e. petitioners-accused and the respondent No.2-complainant have arrived at a compromise and the respondent No.2/complainant did not intend to prosecute the petitioners any further and have moved an application for

compounding the offence before this court.

3. On the previous date of hearing i.e. on 06.12.2016 parties to the dispute have appeared before this court and it was ordered that statements of petitioners-accused as well as complainant respondent No.2 be recorded before the Registrar (Judicial). In addition, statement of one Vinay Dixit, one of the Directors of Shiv Sponge Pvt. Ltd. was also ordered to be recorded. The matter was directed to be listed today i.e. 15.12.2016.
4. Parties to the dispute appeared before the Registrar (Judicial) and the Registrar (Judicial) has recorded their statements. In the statements, photograph of the person concerned have also been affixed.
5. A perusal of statements clearly reflects that parties to the dispute have amicably resolved their grievances and do not want the matter to be precipitated any further. They do not intend to further prosecute the issue which is pending before the Court below and want the matter be closed once and for all.
6. Learned counsel appearing for the respondent No.2-complainant submits that he has received specific instructions from the complainant to state that the complainant wants the matter to be closed once and for all and as such he wants the proceeding to be dropped against the present petitioners.
7. Learned counsel appearing for the State submits that since the parties have entered into compromise and have also given statement before the Registrar (Judicial) for not proceeding against the petitioners-accused any further, the State has no objection if the matter is closed.

8. In view of the categorical statement made by the complainant/Respondent No.2 as well as the accused persons/petitioners, 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].
9. 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.
10. In view of the statement made by the complainant/Respondent No.2 and the accused persons 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 present petition under Section 482 CrPC is allowed. The consequential proceedings of Complaint Case No.366/2013 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 418,419,420, 467,468 and 102-B IPC.

Sd/-

(P. Sam Koshy)

Judge

inder