

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 334 OF 2016

Vijay Singh Shakya, S/o Hukum Singh Shakya, aged about 43 years, R/o Amapara, Ward No.12, Balod, P.S. & Tahsil Balod, Civil & Revenue District Balod (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through P.S. Balod, Civil & Revenue District Balod (C.G.)
2. Asho Bai, aged about 84 years, W/o Late Full Singh Sahu, R/o Ward No.19, Shikaripara, Balod, Civil & Revenue District Balod (C.G.)

... Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate.
For Respondent No.1	:	Mr. Satish Gupta, Govt. Advocate.
For Respondent No.2	:	Mr. Atanu Ghosh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/09/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner seeking for quashment of Criminal Case No. 1493 of 2015 pending before the Chief Judicial Magistrate, Balod in connection with Crime No. 200 of 2015 registered at Police Station Balod for the offence under Section 467/34, 468/34 and 120-B of IPC.
2. According to the Counsel for the Petitioner, originally Respondent No.2-Complainant has filed a complaint against the present Petitioner for which offence under Sections 420, 467, 468 and 120-B of IPC was registered against him at Police Station- Balod as Crime No. 200 of 2015 and the matter thereafter was put to trial before the Court of Chief Judicial Magistrate, Balod vide Criminal Case No. 1493 of 2015.

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 does not intend to prosecute the accused Petitioner any further and therefore she had moved an application under Section 320(1) & (2) CrPC before the Court of Chief Judicial Magistrate, Balod for permission to compound the offence under Sections 420, 467, 468, 120-B of IPC. The Court below vide its order dated 11.12.2015 permitted them to compound the offence under Section 420 IPC and accordingly compounded the offence under Section 420 IPC. However, the Court below refused to compound the remaining offence under Sections 467, 468 and 120-B IPC and ordered for proceeding with the trial for the said offences, leading to the filing of the present petition under Section 482 of CrPC.

4. The accused Petitioner is present before this Court today. Respondent No.2-Complainant, who is aged about 84 years and is represented in this case by a duly appointed Counsel, could not remain present today because of her ill health. However, she has sent her grandson along with an affidavit duly signed by her wherein she has accepted the fact that the dispute between the parties has been compromised and they do not intend to prosecute the case any further.

5. Learned Counsel for the State also on verifying the facts submits that the State does not have any objection in case if the parties are permitted to compound the offence as the two disputing parties have entered into a compromise.

6. 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.

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 **Narinder Singh & Others v. State of Punjab & Another** [2014 (6) SCC 466].

8. Another aspect which has to be borne in mind is that since the parties to the dispute having entered into a settlement and have 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 bleak and it would not be justified to drag these proceedings unnecessarily knowing fully well the final outcome.

9. Thus, in view of the affidavit submitted 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.

10. Accordingly, the petition under Section 482 of CrPC is allowed. The consequential proceedings of Criminal Case No. 1493 of 2015 pending before the Chief Judicial Magistrate, Balod in connection with Crime No. 200 of 2015 registered at Police Station Balod for the offence under Section 467/34, 468/34 and 120-B of IPC stand quashed and the Petitioner who is the accused in that case stands discharged from the offence punishable under Section 467/34, 468/34 and 120-B of IPC.

Sd/-
(P. Sam Koshy)
Judge