

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 423 of 2016

1. Prakash @ Subhash Dewangan S/o Vridhi Dewangan Aged About 34 Years R/o Rambhantha, Sanjay Playground, Raigarh, Distt. Raigarh Chhattisgarh.
2. Vridhi Dewangan S/o Chintaram Dewangan Aged About 50 Years R/o Rambhantha, Sanjay Playground, Raigarh, Distt. Raigarh Chhattisgarh.
3. Smt. Trilochana W/o Vridhiram Dewangan Aged About 48 Years R/o Rambhantha, Sanjay Playground, Raigarh, Distt. Raigarh Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The District Magistrate Raigarh, Distt. Raigarh Chhattisgarh.
2. Smt. Priyanka W/o Subhash @ Prakash Aged About 28 Years D/o Roop Sai Dewangan, R/o Rajgamar Shanti Nagar, Korba, Distt. Korba Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Washim Miyan, Advocate
For State	:	Ms. M. Asha, Panel Lawyer
For Respondent No.2:	:	Mr. Sumeet Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/11/2016

1. The present Criminal Miscellaneous Petition under section 482 Cr.P.C. has been filed seeking for quashment of the order dated 18.03.2016 passed by the 2nd Additional Sessions Judge, Raigarh in Criminal Appeal 17/2016 and the judgement dated 06.02.2016 passed by the Judicial Magistrate First Class Raigarh in Criminal Case No. 274/2013.
2. Learned Counsel for the Petitioners submits that the present Petitioners were prosecuted in the criminal case No. 274/2013 arising out of Crime No. 282/2004 Registered at police station

Kotwali District – Raigarh for the offence punishable under Section 498A IPC. The said case resulted in the conviction of the Petitioners wherein they have been convicted and sentenced to undergo RI for 1 year. Against the said judgment of conviction they preferred an appeal i.e. Criminal Appeal No. 17/16 pending before the Second Additional Sessions Judge, Raigarh.

3. Learned Counsel for the Petitioners submits that pending the matter before the appellate Court the parties have settled their dispute out of the Court and by virtue of settlement the complainant Respondent No.2 is not interested in the proceeding any further and wanting the proceeding to be closed one and for all. An application under Section 320(8) Cr.P.C. had been filed before the lower appellate Court but the same was rejected as offence under Section 498A is not compoundable, leading to the filing of the present Petition.
4. Learned Counsel for the Petitioners submits that now that the dispute between the parties have been settled out of Court and Respondent No.2 complainant also is not interested in prosecuting the Petitioner accused person any further, the matter may be closed in the light of the settlement arrived at between the disputing families and Respondent No.2. The disputing parties and the Complainant are present before this court.
5. On a specific query being put to Respondent No.2 she categorically makes a statement that she has resolved her differences with the Petitioner and have entered into a compromise and by virtue of compromise she is not interested to further prosecute the Petitioner and wants the case against the Petitioner to be closed once and for all.

6. Learned Counsel for Respondent No.2 also makes a statement that he has received specific instruction from Respondent No.2 for considering to the prayer for closure of the case against the Petitioners.
7. At this juncture learned State Counsel submits that since the complainant Respondent No.2 herself is present before the Court and makes a statement for closure of the case the State has no objection if the appeal in the light of the compromise is closed.
8. In view of the statement made by Respondent No.2 present in person before this Court also taking into consideration the observation made by the Supreme Court in case of **B. S. Joshi & others v. State of Haryana & Another** [2003 (4) SCC 675] and **Narinder Singh & Others v. State of Punjab & Another** [2014 (6) SCC 466] this Court is of the opinion that no fruitful purpose would be served if the Petitioners are further prosecuted. Accordingly, the present Petition deserves to be and is allowed in the light of the compromise arrived at between the parties.
9. Accordingly, the Petition stands allowed and the impugned order dated 18.03.2016 is set aside. Further the judgment of the J.M.F.C., Raigarh in the Criminal case No. 274/2013 also is set aside and the Petitioners are acquitted from the charges under Section 498A IPC in connection with Crime No. 282/2004 registered at police station Kotwali District – Raigarh.
10. Accordingly, the present Petition stands allowed.

Sd/-

(P. Sam Koshy)
Judge