

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 450 of 2016

- Krishna Kumar Dewangan S/o Bharatlal Dewangan Aged About 28 Years
R/o Near Bade Math Temple, Champa, Police Station & Post Champa,
Civil & Revenue District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through : District Magistrate Janjgir, Distt.- Janjgir -
Champa Chhattisgarh
2. Ashok Kumar S/o Late Shri Bagwati Prasad Yadav, abed about 38 years
R/o village – Risda, Thana – Baradwar, Distt. Janjgir-Champa(C.G.)
3. Saroj kumar Yadav S/o Late Shri Bagwati Prasad Yadav, abed about 38
years R/o village – Risda, Thana – Baradwar, Distt. Janjgir-Champa(C.G.)
4. Mohd. Soukat ali S/o Mohd. Sagar Ali, Aged about 35 years , R/o ward
NO. 10 Baradwar, Post & Thana – Baradwar, Distt.- Janjgir -Champa
(C.G.)
5. Ramesh Kumar S/o Deepchand, aged about 47 years, R/o ward NO. 10
Baradwar, Post & Thana – Baradwar, Distt.- Janjgir -Champa (C.G.)
6. Smt. Laxmi Teji W/o Murari Lal Teji, aged about 35 years , R/o ward No.
10 Baradwar, Post & Thana – Baradwar, Distt.- Janjgir -Champa (C.G.)
7. Mohd. Mumtaj S/o Mohd. Iliyas aged about 35 years , R/o ward NO. 10
Baradwar, Post & Thana – Baradwar, Distt.- Janjgir -Champa (C.G.)
8. Shivcharan Pawar, S/o Deepchand Pawar, aged about 42 years, R/o
ward NO. 10 Baradwar, Post & Thana – Baradwar, Distt.- Janjgir -Champa
(C.G.)
9. Parmeshwar Lahre S/o Shri Bhagirathi Lahre, aged about 27 years R/o
ward NO. 10 Baradwar, Post & Thana – Baradwar, Distt.- Janjgir -Champa
(C.G.)
10. Rameshwar Pal S/o Shri Bheekham Dongare, aged about 59 years R/o
Village – Nipaniya, Post & Thana Seepat, Distr- Bilaspur (C.G.)
11. Sawan Singh S/o Sakham Gond, aged about 62 years, R/o village
Chepa, Thana – Pali, District – Korba (C.G.)
12. Smt. Kumari Bai Kewal W/o Shri Dasmrual Kewat, aged about 44 years,
R/o village – Budalukhar, Post & Thana- Masturi District – Bilaspur (C.G.)
13. Smt. Chitrarekha W/o Dasrath Keshkar aged about 32 years R/o village –
Kachhar, Post and Thana- Masturi, Dist. Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate.
For Respondent No.1/Sttae	:	Mr. A.S. Kachchhwaha, Additional Advocate General
For Respondents No.2-13	:	Mr. Washim Miyan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/10/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner seeking for quashment of Criminal Case No. 1134/2015 pending before the Chief Judicial Magistrate, Janjgir-Champa in connection with Crime No. 269 of 2015 registered at Police Station Baradwar, District Janjgir-Champa for the offence under Section 420/34 468/34 and 120-B of IPC.
2. According to the Counsel for the Petitioner, Respondents No. 2- 13 in person present before the Court have filed respective affidavits stating that pending the case before the Court below they have resolved the dispute with the accused person amicably out of the Court and they do not intend to further prosecute the Petitioner any further and for which they have filed their affidavits also.
3. At this juncture learned Counsel for the Petitioner submits that in the light of the compromise entered into between the parties the application under Section 320(2) of Cr.P.C. was filed before the Court below where the Court below has permitted the parties to compound the offence under Section 420 IPC.
4. According to the Counsel for the Petitioner since the substantive charges under Section 420 havng already been compounded, the offence under Section 120B of IPC by itself cannot withstand in the absence of a substantive offence or charge against the Petitioner. He refers to the decision rendered 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] and prays the matter may be closed once and for all and the Petitioner may be discharged from all the offence.

5. All the Respondents No. 2 to 13 are presently present before the Court along with their counsel and when a specific query being put to them, they have jointly made a submission that the matter has been resolved between them amicably and they do not intend to further prosecute the Petitioner in any manner and want the matter to be closed for once and in all.
6. Learned State Counsel also submits that since the substantive offence has already been compounded by the Court below no fruitful purpose would be served if the Petitioner is made to face the trial for the offence only for Section 120B IPC which by itself would not be able to sustain in the absence of a substantive offence.
7. In view of the categorical statement made by Respondents No.2- 13, this Court is of the opinion that once when the Respondents 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. Thus, considering the submissions made by learned Additional Advocate General for the State and in view of the affidavit submitted by Respondents No.2-13 and keeping in view the law laid down by the Supreme Court in the case of **B. S. Joshi & others (Supra)** and **Narinder Singh & Others v. State of Punjab (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, the petition under Section 482 of CrPC is allowed. The consequential proceedings of Criminal Case No. 1134/2015 pending before the Chief Judicial Magistrate, Sakti, District – Janjgir -Champa in connection with Crime No. 269/2015 registered at Police Station Baradwar, District Janjgir-Champa (C.G.) for the offence under Section 120-B of IPC stand quashed and the Petitioner who is the accused in that case stands discharged from the offence punishable under Section 120-B of IPC.

Sd/-
(P. Sam Koshy)
Judge

kishore