

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 617 of 2016**

Lukeshwari @ Lokeshwari Sahu W/o Manharan Sahu, aged about 25 Years, R/o Village Borsi, Police Station Fingeshwar, District Raipur (Now District - Gariyaband) Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through the Incharge, Mahila Thana, Raipur, District Raipur, Chhattisgarh.
2. Khorbahrin W/o Bahurram Sahu, aged about 50 Years, R/o Village Borsi, Police Station Fingeshwar, District Gariyaband Chhattisgarh.
3. Bahurram Sahu S/o Lukhram Sahu, aged about 35 Years, R/o Village Borsi, Police Station Fingeshwar, District Gariyaband, Chhattisgarh.
4. Horilal S/o Bahurram Sahu, aged about 37 Years, R/o Village Borsi, Police Station Fingeshwar, District Gariyaband, Chhattisgarh.
5. Manharan S/o Bahurram Sahu, aged about 29 Years, R/o Village Borsi, Police Station Fingeshwar, District Gariyaband, Chhattisgarh.
6. Hemlata Sahu W/o Horilal Sahu, aged about 26 Years, R/o Village Borsi, Police Station Fingeshwar, District Gariyaband, Chhattisgarh.

---- Respondents

For Petitioner : Shri Pushpendra Ku. Patel, Advocate
 For Respondent no.1/State : Shri Bhaskar Payashi, Panel Lawyer
 For Respondents 2 to 6. : Shri S. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/12/2016**

1. The present petition under Section 482 CrPC has been preferred by the petitioner seeking for quashment of the Criminal Case No. 313/2011 pending before the JMFC, Rajim, District Gariyaband.
2. The case in brief is that the petitioner had lodged an FIR at Police Station, Fingeshwar, District Gariyaband against respondents 2 to 6 wherein an offence under Section 498 A of IPC and section 4 of Dowry Prohibition Act was registered vide Crime No.52/2011. After

completion of necessary investigation, charge sheet was filed against the respondents 2 to 6 and the matter was put to trial before the JMFC, Raipur where the case was registered as Criminal Case No. 313/2011.

3. During the pendency of the case before the Court below, the parties to the dispute arrived at an amicable settlement and they have resolved their disputes and grievances. The respondent no.5 complainant has started living with the petitioner and there is a cordial relationship between them. In view of the settlement that has been arrived at between the complainant and the accused persons, the complainant moved an application under Section 320 (2) and 320 (8) of CrPC before the Court below seeking permission to compound the offence. However, the Court below vide its order dated 07.07.2015 rejected the said application holding that the offence charged against the respondents 2 to 6 is not compoundable leading to the filing of the present petition.

4. According to the counsel for the petitioner, since the complainant and the respondents 2 to 6 have already resolved their grievances and the complainant does not want the respondents 2 to 6 to face the trial any further, they may be permitted for closing the matter once and for all.

5. Today, the petitioner/complainant and the respondents 2 to 6 are present before this Court.

6. On a specific query being put to the complainant Lukeshwari by this Court, she makes a categorical statement that the matter has been resolved amicably and that she has started living with her husband i.e. respondent no.5 happily and there is a cordial relationship between them. The complaint further states that she does not intend

to prosecute the respondents 2 to 6 any further and wants the matter to be closed once and for all.

7. Respondents 2 to 6 are represented through their counsel who also submits that he has received instructions so far as the settlement arrived between the parties and the petitioner living with the family at her matrimonial home is concerned.

8. Counsel for the State also submits that since the parties to the dispute themselves make submission that they have amicably resolved their grievances and disputes and the complainant does not want to prosecute respondents 2 to 6, the State does not have any objection if the matter is closed and the offence is permitted to be compounded.

9. In view of the categorical statements made by the Complainant Lukeshwari, this Court is of the opinion that once when the Complainant and the accused respondents have settled their matter, no fruitful purpose would be served if the parties are made to undergo the trial when there is no possibility of the complainant deposing against the accused respondents and there is no possibility of their being convicted in the light of the compromise entered into between the parties.

10. 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].

11. In view of the statement made by the 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 **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 and accordingly, they are permitted to do so.

12. Consequently, the criminal proceedings against the respondents 2 to 6 in Criminal case No. 313/2011 pending before the JMFC, Rajim, District Gariyaband stands quashed and they are discharged of the charges under Section 498 A of IPC and section 4 of Dowry Prohibition Act .

13. The present CrMP thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE