

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 539 of 2016**

1. Kamla Hanspal W/o Prem Singh, aged about 63 years
2. Prem Singh Hanspal S/o late Saudagar Singh, aged about 71 years
3. Simran Jeet S/o Prem Singh, aged about 25 years
4. Manindra Singh S/o Prem Singh, aged about 28 years

All are residents of Kacheri Chowk Road, in front of Police Station, Balangir, District Balangir (Odisha)

---- Petitioners**Versus**

1. State of Chhattisgarh through SHO Mahasamund, District Mahasamund, CG
2. Neha Hanspal W/o Manindra @ Maninder Singh Hanspal, aged about 29 years, R/o Ward No.2, Imlibhata, PS Mahasamund, District Mahasamund CG

---- Respondents

For Petitioners	: Shri H. S. Ahluwalia, Advocate
For Respondent no.1/State	: Shri Garry Mukhopadhyay, Dy. G.A.
For Respondent no.2	: Shri Vikash Pradhan, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/09/2016**

The present petition under section 482 Cr.P.C. has been filed seeking for quashment of Criminal case no.190/2014 pending before the JMFC, Mahasamund. It is a case on the complaint lodged by respondent no.2 Neha Hanspal against the petitioners for the offence under Section 498A IPC and Section 4 of Dowry Prohibition Act.

2. Counsel for the petitioners submits that pending the case before the JMFC, Mahasamund the parties to the dispute had amicably settled the matter. In compliance of the said settlement, respondent no-2 complainant moved an application for compounding the offence for which the trial was undergoing before the JMFC, Mahasamund. However, the Court below vide impugned order dated 29.01.2016 rejected the said application on the

ground that the offence under Section 498A IPC is not compoundable leading to the filing of the present petition.

3. Both the parties are represented through their counsel. Complainant Neha Hanspal and all the petitioners are present before this Court.

4. On a specific query being put to the complainant by the Court, she makes a categorical statement that the matter has been settled between the parties and she does not intend to prosecute the petitioners any further and wants the matter to be closed once and for all.

5. State counsel also does not oppose the petition on the ground that since the dispute is primarily between the petitioners and the respondent no.2 and respondent no.2 who is present before this Court states that she does not want to prosecute the petitioners any further. State counsel further submits that the State does not have any objection in case the offence is compounded in the light of the statement made before this Court by the complainant and the affidavit given by her.

6. Considering the total facts and circumstances of the case and keeping in view the law laid down by the Supreme Court in the Case of B. S. Joshi and Others Vs. State of Haryana and Another¹, in the case of Gian Singh Vs. State of Punjab and Another² and also in the case of Narinder Singh and Others Vs. State of Punjab and Another³, this Court is of the opinion that no fruitful purpose would be served if the petitioners are put to face the trial particularly taking note of the fact that the complainant herself present before this Court today states that she does not want to prosecute the petitioners any further.

7. Accordingly, I.A. No. 02/16 is allowed and the parties are permitted to compound the offence.

1 2003 (4) SCC 675

2 2012 (10) SCC 303

3 2014 (6) SCC 466

8. Consequently, the impugned order is set aside. The criminal proceedings against the present petitioners in Criminal Case No. 190 of 2014 pending before the JMFC, Mahasamund stands quashed. The petitioners are acquitted of the charges under Section 498A IPC and Section 4 of Dowry Prohibition Act.

9. The present CrMP thus stands allowed.

Bhola

Sd/-
(P. Sam Koshy)
JUDGE