

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 620 OF 2016

- Mangat Rai Jindal S/o Shri Preetam Chand Gupta, aged about 55 years, R/o Jawahar Nagar, Police Station- Maudahapara, Raipur, Civil and Revenue District- Raipur (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Police Station Nevra, Civil and Revenue District- Raipur (C.G.)
2. Manoj Kumar Jindal, S/o Shri Preetam Chand Gupta, aged about 52 years, R/o Jawahar Nagar, Police Station- Maudahapara, Raipur, Civil and Revenue District- Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate.
For Respondent No.1	:	Mr. O.P. Sahu, Government Advocate.
For Respondent No.2	:	Mr. G.I. Sharan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/09/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner seeking permission of this Court for compounding the offence under Sections 467, 468 and 471 of IPC between the accused Petitioner and the complainant Respondent No.2 in Criminal Case No. 7 of 2012 pending before the Court of Judicial Magistrate First Class, Tilda, Raipur, arising out of Crime No. 253 of 2011 registered at Police Station Nevra, District Raipur.
2. Learned Counsel for the Petitioner submits that on a complaint lodged by the complainant Respondent No.2 at Police Station Nevra, District Raipur, an FIR No. 253 of 2011, dated 25.11.2011 was registered against the accused Petitioner for the offence under Sections 420, 467, 468, 471 and 120-B of IPC. Subsequently, while framing of charge, the

Court below has framed the charge against the accused for the offence under Sections 419, 420, 467, 468 and 471 of IPC.

3. It is pertinent to mention that the accused Petitioner and the complainant Respondent No.2 are real brothers and the dispute pertains to a family property.

4. Subsequent to the matter being put to trial, the parties to the dispute i.e., the accused Petitioner and the complainant Respondent No.2, have entered into an out of Court settlement and moved an appropriate application in this regard before the Court below for compounding the offence under Sections 419, 420, 467, 468, 471 of IPC. However, the Court below vide its order dated 23.7.2013 permitted the parties to compound the offence under Sections 419 and 420 of IPC but refused to grant permission for compounding the other offences under Sections 467, 468 and 471 of IPC holding them to be non-compoundable offences and ordered to proceed further with the trial.

5. Now, the present petition under Section 482 of CrPC has been filed seeking permission of this Court to compound the offence under Sections 467, 468 and 471 of IPC in terms of the compromise which had been agreed to between the parties and to quash the criminal proceedings.

6. Learned Counsel for the Petitioner submits that both the disputing parties, i.e., the accused Petitioner and the complainant Respondent No.2 who are being represented by their lawyers, are also personally present today before this Court. That both of them have decided to settle their dispute once and for all and the complainant Respondent No.2 does not intent to prosecute the accused Petitioner any further and the Respondent No.2 has also filed his affidavit in this regard before this Court.

7. Learned Counsel appearing for Respondent No.2 submits that Respondent No.2 is also present in the Court and he has specific instructions to make a statement that they have settled the dispute between the two and the complainant Respondent No.2 does not intend to prosecute the accused Petitioner any further.

8. Learned Counsel for the State opposes the compounding of the offence under Sections 467, 468 and 471 on the ground that they are non-compoundable offences and therefore the parties should not be permitted to compound the same.

9. On a specific query being put to the complainant Respondent No.2, he makes a categorical statement that he does not intend to prosecute the accused Petitioner any further and since the dispute was a family dispute and in respect of a family property they want to settle the dispute once and for all.

10. Taking into consideration the statement of the complainant Respondent No.2, 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.

11. 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].

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

13. Thus, in view of the statement made by the complainant Respondent No.2 and also considering the fact that the main offence i.e., the offence under Sections 419 and 420 of IPC, has already been compounded by the Court below and also 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 under Sections 467, 468 and 471 of IPC.

14. Accordingly, the petition under Section 482 of CrPC is allowed. The consequential proceedings of Criminal Case No. 7 of 2012 pending before the Court of Judicial Magistrate First Class, Tilda, Raipur arising out of Crime No. 253 of 2011 registered at Police Station Nevra, District Raipur, stands quashed and the accused Petitioner is discharged from the offence punishable under Sections 467, 468 and 471 of IPC.

Sd/-
(P. Sam Koshy)
Judge