

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 873 of 2016

- Prashant Verma S/o Shri Ramakant Verma Aged About 28 Years R/o Ward No. 3, Bairagipara, Chuikhadan, Police Station Chuikhadan, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Officer Incharge, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.
2. Santoshi Dhruw S/o Mahaveer Dhruw Aged About 26 Years R/o Shankar Nagar, Sector 02, Janta 109, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. C.K. Kesharwani, Advocate
For State	:	Mr. Bhaskar Pyasi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/11/2016

1. The present Petition under Section 482 Cr.P.C. has been filed for quashment of the Crime No. 241/2015 registered at Police Station Khairagarh District – Rajnandgaon whereby the offence under Section 376 (2) and 506(B) of the IPC has been registered against the present Petitioner along with offence under Section 3(1)(2) of the S.C.S.T. Act.
2. Learned Counsel for the Petitioner submits that the present Petitioner accused and the Respondent No.2 complainant have since entered into compromise and have settled their dispute and by virtue of the compromise have started staying together, therefore the matter may be closed.

3. He further submits that the present Petitioner as well as the Respondent have filed application for compounding of the offence along with their respective affidavits before the Court requesting for disposing off the case as the dispute having been settled between them.
4. Learned Counsel for the Petitioner further submits that in the light of the settlement that has been arrived at, out of the Court between the parties and the fact that Respondent No. 2 complainant started living together therefore there is no possibility that Respondent No.2 would appear before the Court below and depose against the Petitioner. As such there is no scope or a remote chance of the present Petitioner to be convicted. 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 levelled against him.
5. This Court had on the previous occasion sought for the presence of the accused persons and it was also ordered that the Petitioner as well as Respondent No.2 may appear before the Registrar Judicial for recording of their statements on 08.11.2016. Both the disputing parties i.e. the Petitioner and the Respondent No.2 appeared before the Registrar Judicial and have given their statement that both of them are staying together for the last more than 3 years and they have resolved their difference and dispute and want the matter to be closed once and for all.
6. Learned State Counsel states that since the matter has been resolved amicably between Respondent No. 2 and the Petitioner the

State does not have any objection in closing the matter in the light of the compromise entered into between the parties.

7. Considering the total facts and circumstances of the case and the submission made by the Counsel on either side and also 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.
8. For the aforesaid reasons the present Petition is allowed.
9. As a consequence the Criminal Case No. 8/2016 pending before the Special Court Rajnandgaon arising out of Crime No. 241/2015 registered at Police station Khairagarh, Rajnandgaon stands quashed and present appellant stands discharged from the offence registered against him.

Sd/-

(P. Sam Koshy)
Judge