

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 855 OF 2016

1. Ravi Jumnani @ Rocky, S/o Shri Mohan Das Jumnani, aged about 37 years, R/o C-12, Shriram Sahana Apartment, Yehlanka, District Bangalore (Karnataka)
2. Mohan Das Jumnani, S/o Late Shri Arjun Das Jumnani, aged about 67 years, R/o House No. 456, Kathal Badi Chowk, New Colony, District Darbhanga (Bihar)
3. Smt. Kamla Devi, W/o Shri Mohan Das Jumnani, aged about 65 years, R/o House No. 456, Kathal Badi Chowk, New Colony, District Darbhanga (Bihar)
4. Smt. Namita @ Kanchan Madyaan, W/o Shri Pramod Madyaan, aged about 38 years, R/o H. No. A-49, Krishna Nagar, Lucknow, District Lucknow (U.P.)

... Petitioners

Versus

1. State of Chhattisgarh, through P.S. Mahila Police Thana, Raipur, District Raipur (C.G.)
2. Smt. Muskan Jumnani @ Sangeeta Khoobnani, D/o Shri Chandiram Khoobnani, R/o C-62, V.I.P. Estate, Shanker Nagar, Raipur, District Raipur (C.G.), permanent address : Gurunanak Colony, Gwalior Road, Datia (C.G.)

... Respondents

For Petitioners	:	Mr. Kashif Shakeel, Advocate.
For Respondent-State	:	Mr. V.A. Goverdhan, Panel Lawyer.
For Respondent-Complainant	:	Mr. Vivek Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/09/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioners seeking permission of this Court for compounding the offence under Section 498-A/34 of IPC between the accused Petitioners and the complainant Respondent No.2 in Criminal Case No. 232 of 2013 pending before the Court of Judicial Magistrate First Class, Raipur, arising out of Crime No. 30 of 2013 registered at Mahila Police Thana, Raipur, District Raipur.

2. According to the Petitioners, on a complaint lodged by complainant Respondent No.2 at Mahila Police Thana, Raipur, an FIR No. 30 of 2013 was registered against the accused Petitioners for the offence under Section 498-A/34 of IPC, and the matter thereafter was put to trial before the Court of Judicial Magistrate First Class, Raipur vide Criminal Case No. 232 of 2013. It is further contended by the Petitioners that pending the dispute before the Judicial Magistrate First Class, Raipur, the parties to the dispute have already entered into a settlement and they have also agreed for the withdrawal of the criminal prosecution pending against the Petitioners.

3. Shri Vivek Shrivastava, learned Counsel for Respondent No.2-complainant, makes a statement that he has specific instructions to state that the parties to the dispute have settled and compromised the dispute between them and that the complainant-Respondent No.2 has also filed an affidavit in this regard before this Court today.

4. Respondent No.2-Complainant-Smt. Muskan Jumrani @ Sangeeta Khoobnani, who is present before this Court, states that in the light of the settlement entered into between the parties she does not want the Petitioners to be prosecuted any further and wants the matter to be closed once and for all as the differences between the parties have been resolved.

5. Shri V.A. Goverdhan, Counsel for the State, submits that since the complainant Respondent No.2 present before the Court herself makes a statement that she is not interested in prosecuting the Petitioners any further, the State also does not have any objection in case the criminal proceedings are closed at this juncture.

6. Taking into consideration the statement of 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.

7. 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].

8. 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 bleak and it would not be justified to drag these proceedings unnecessarily knowing fully well the final outcome.

9. Thus, in view of the statement made by complainant-Respondent No.2 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 cases 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 Section 498-A/34 of IPC.

10. Accordingly, the petition under Section 482 of CrPC is allowed. The consequential proceedings of Criminal Case No. 232 of 2013 pending before the Court of Judicial Magistrate First Class, Raipur arising out of Crime No. 30 of 2013 registered at Mahila Police Thana, Raipur, stands quashed and the accused Petitioners are discharged from the offence punishable under Section 498-A/34 of IPC.

Sd/-

(P. Sam Koshy)
Judge