

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 939 of 2016**

1. Sunil Kumar Agrawal @ D. Bhagat @ Pramod Singh S/o Late Madan Lal Agrawal Aged About 45 Years R/o 20/1 B, Shiv Krishna Dalen, Koklata, Police Station Phool Bagh, Kolkata, West Bengal.
2. Ashok Singh S/o Late Gopal Singh Aged About 48 Years R/o Roh (Bazar Roh) Near Modi Khana Medical Shop, Police Station Rot, District Nawada, Bihar. Present R/o Kolkata, West Bengal.

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Police Station Kota, Bilaspur, Chhattisgarh.
2. Manish Agrawal S/o Shyam Sundar Agrawal R/o M/s Radharani Rice Mill, Kota, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Manay Nath Thakur, Advocate.
For Respondent/State	:	Shri SRJ Jaiswal, Panel Lawyer.
For Respondent No.2	:	Shri PK Tulsyan, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/11/2016**

The present petition under Section 482 CrPC has been preferred by the Applicants, who are the accused persons, seeking for quashment of the criminal proceedings in Criminal Case No.583 of 2015 pending before the Judicial Magistrate First Class, Kota, whereby they have been prosecuted for the offence punishable under Sections 420,467,468 and 471/34 IPC.

2. Learned counsel appearing for the petitioners submits that pending the dispute between the parties, they have arrived at a compromise and the respondent No.2/complainant does not intend to prosecute the petitioners any further and had moved an application under Section 320(2) CrPC for permission

to compound the offence, but the Court below has permitted the parties to compound only in respect of offence under Section 420 IPC, however, denied to compound the other offences as the same was not within the powers of the Magistrate, leading to filing of the present petition under Section 482 CrPC.

3. At the instance of this court, the respondent No.2-complainant is present today before this Court along with his counsel. On specific query being put to him, he submits that he has amicably settled the dispute and he does not intend to further prosecute the issue which is pending before the Court below and pray for quashing the same.

4. Learned counsel for the State submits that since it is a dispute between the petitioners and the respondent No.2-complainant, and the respondent No.2 has stated before the court that he does not want to prosecute the petitioners any further and have settled the matter amicably, the State has no objection in case if the case is closed for compounding.

5. In view of the categorical statement made by 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. 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].

6. Another aspect which has to be borne in mind is that 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.

7. In view of the statement made by the complainant-respondent No.2 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 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.

8. Accordingly, the present petition under Section 482 CrPC is allowed. The consequential proceedings of Criminal Case No.583 of 2015 pending before the Judicial Magistrate First Class, Kota, stands quashed and the petitioners stand discharged from the offence punishable under Sections 420,467,468 and 471/34 IPC.

SD/-
(P. Sam Koshy)
Judge