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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 1366 of 2016**

1. Heera S/o Ramcharan Aherwar, aged about 35 years, R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.
2. Ramcharan S/o Ambelal Aherwar, aged about 62 years, (Wrongly Mentioned As Aaherwal), R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.
3. Smt. Chandrakala W/o Ramcharan Aherwar, aged about 60 years, (Wrongly Mentioned As Aaherwal), R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.
4. Dilip Aherwar S/o Ramcharan Aherwar, aged about 38 years, (Wrongly Mentioned As Aaherwal), R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.
5. Dilipram Bhau S/o Ram Bhau Kuhikar, aged about 36 years, R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.
6. Chhaya W/o Dilip Aherwar, aged about 32 years, R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.
7. Anju W/o Dilip Kuhikar, aged about 33 years, R/o Police Line Takli, Quarter No. 1132, Police Station- Gittikhadan, Nagpur, Maharashtra.

---- Petitioners

Versus

1. State of Chhattisgarh through the Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.
2. Smt. Lekha @ Reena Aherwar W/o Heera Aherwar, aged about 30 years, R/o Rajendra Nagar, Behind Old Hero Honda Show Room, Police Station- Civil Line, Bilaspur, District Bilaspur, Chhattisgarh, At Present House No. A-66, Nature City Colony, Mungeli Road, Uslapur, Bilaspur, Chhattisgarh.

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For Petitioners	:	Shri Vinay Dubey and Shri Surkant Mishra, Advocate
For Respondent No.1/State	:	Shri Lav Sharma, Panel Lawyer
For Respondent No.2	:	Shri Ravindra Agrawal, Advocate

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

31/01/2017

1. The present petition under Section 482 CrPC has been preferred seeking for quashment of the criminal proceedings initiated against the petitioners in Criminal Case No. 6278/2014 pending before the JMFC, Bilaspur (CG) in the light of the compromise entered into between the parties.

2. In the present case, the petitioners are being prosecuted for the offence under Section 498A/34 of IPC. The respondent no.2 who is the wife of petitioner no.1 is the complainant.

3. Pending the case before the Court below, the parties to the dispute i.e. respondent no.2/complainant and the petitioners arrived at an amicable settlement and resolved their disputes and grievances. Accordingly, they moved an application under Section 320 of CrPC before the Court below seeking permission to compound the offence. However, the Court below vide its order dated 21.10.2016 rejected the said application holding that the offence charged against the petitioners is not compoundable leading to the filing of the present petition.

4. According to the counsel for the petitioners, since the complainant and the petitioners have already resolved their grievances and the complainant does not want the petitioners to face the trial any further, they may be permitted to close the matter once and for all.

5. Parties to the dispute i.e. the petitioners and the respondent no.2 are present before this Court.

6. On a specific query being put to the complainant-respondent no.2 by this Court, she makes a categorical statement that the matter has been amicably resolved and she does not intend to prosecute the

petitioners any further and wants the matter to be closed once and for all.

7. Counsel appearing for the respondent no.2/complainant also submits that he has received an instruction to the effect that in the light of the settlement arrived at between the parties, the complainant does not intend to prosecute the petitioners any further.

8. Counsel for the State, at this juncture, submits that since it was a family dispute and the complainant has settled the dispute with the petitioners, the State does not have any objection if the matter is closed and the offence is permitted to be compounded.

9. In view of the categorical statement made by the Complainant, this Court is of the opinion that once when the Complainant and the accused have settled their matter, no fruitful purpose would be served if the parties are made to undergo the trial when there is no possibility of the complainant deposing against the accused persons and there is no possibility of their being convicted in the light of the compromise entered into between the parties.

10. 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 **Central Bureau of Investigation, ACB, Mumbai v. Narendra Lal Jain and Others** [2014 (5) SCC 364].

11. In view of the statement made by the Complainant 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 **Central Bureau of Investigation (supra)**, this Court is of the opinion that it is a fit case

where the parties can be permitted to compound the offence and accordingly, they are permitted to do so.

12. Consequently, the criminal proceedings initiated against the present petitioners in Criminal Case No. 6278/2014 pending before the JMFC, Bilaspur (CG) stands quashed and they are discharged of the offence for which they have been charged.

13. The present CrMP thus stands allowed.

**Sd/-
(P. Sam Koshy)
JUDGE**

Bhola