

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1368 of 2016**

1. G. Tulsi Das Reddy S/o Late G.Trilochan Reddy Aged About 34 Years (At Present Aged About 42 Years), R/o Sector 8, Street No. 16, Block 1 C, Behind Satya Sai Temple, Bhilai, District Durg, Chhattisgarh.
2. G. Chandrashekhar Reddy S/o Late G. Trilochan Reddy Aged About 44 Years R/o Sector 8, Street No. 16, Block1 C, Behind Satya Sai Temple, Bhilai, District Durg, Chhattisgarh.
3. Smt. Jaya Laxmi Reddy W/o Kripakar Reddy Aged About 37 Years R/o Street/ Road No. 299f, Sector 6 Bhilai, District Durg, Chhattisgarh.Shri Trilochan Reddy (Since Died)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through S.H.O, Mahila Thana Durg, District Durg, Chhattisgarh.
2. Dhan Laxmi Reddy W/o G.Tulsi Das Reddy Aged About 36 Years R/o House No. 15a, Street No.1, Sector 1, Bhilai, Police Station Bhilaibhatti, District Durg, Chhattisgarh.

---- Respondents

For the Petitioners : Shri Prasoon Agrawal, Advocate.
 For Respondent No.1/ State : Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.10.2017**

1. Heard.
2. This petition has been brought by the petitioner under Section 482 of the Code of Criminal Procedure with a prayer to quash the criminal proceedings on the basis of compromise with the complainant/ respondent No.2.
3. On the basis of the complaint made by respondent No.2 – Dhan Laxmi Reddy, the petitioners are being prosecuted for the offence under Sections

406, 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. During the course of trial, respondent No.2 entered into a compromise with the petitioners on the terms of compromise as agreed between them. An application was moved before the trial Court for compounding of offences which has been partly allowed and the petitioners were acquitted from the charge of offence under Section 406 of the IPC. Prayer for compounding of the offence under Section 498-A of the IPC and Section 4 of the Dowry Prohibition Act has been rejected as the offences are not compoundable under Section 320 of the Code of Criminal Procedure. Hence, this petition praying for interference under the inherent powers of this Court.

4. Respondent No.2 – Dhan Laxmi Reddy has stated before the Additional Registrar (Judicial) of this Court, that she has given a consent for compromise without any fear, favour or influence. Consequently, she does not wish that the proceedings against the petitioners in criminal case should continue.

5. The Hon'ble Supreme Court in ***Gian Singh v. State of Punjab & Another***¹ has laid down the following principles :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the

¹. (2012) 10 SCC 303

Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised **in accord** with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression

and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

6. Considering the facts and circumstances of this case, the matrimonial dispute between the parties has been amicably settled and for this reason no purpose would be served if the private respondent is continued to be prosecuted by the State, in the interest of justice, this petition is allowed. The criminal proceedings against the petitioners under Section 498-A of the IPC and Section 4 of the Dowry Prohibition Act pending before the Judicial Magistrate First Class, Durg in Criminal Case No. 513 of 2010 are quashed.

7. In view of above, this petition stands disposed off at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge