

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL MISC. PETITION NO. 1047 OF 2015

1. Keshav Sahu, S/o Shri Lalita Prasad Sahu, aged about 58 years, R/o B.T.I. Colony, Pendra, Thana Pendra, District Bilaspur (C.G.)
2. Smt. Kusumlata Sahu, W/o Shri Keshav Sahu, aged about 51 years, R/o B.T.I. Colony, Pendra, Thana Pendra, District Bilaspur (C.G.)
3. Akash Sahu, S/o Keshav Sahu, aged about 32 years, R/o B.T.I. Colony, Pendra, Thana Pendra, District Bilaspur (C.G.)

... Petitioners

Versus

1. State of Chhattisgarh, through Station House Officer, Police Station Pendra, District Bilaspur (C.G.)
2. Nilam Sahu, D/o Gulab Chand Sahu, aged about 31 years, R/o 67/68, B-Baluaghat, Uditganj Ki Mandi, Katghar, Illahabad, District Illahabad (U.P.)

... Respondents

For Petitioner	:	Mr. Yogendra Chaturvedi, Advocate.
For Respondent No.1	:	Mr. V.K. Tekam, Panel Lawyer.
For Respondent No.2	:	Mr. M.K. Sinha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2017

1. The present petition under Section 482 of CrPC has been filed by the Petitioners seeking for quashment of Criminal Case No. J-377 of 2014 pending before the Court of Judicial Magistrate First Class, Marwahi, Camp Court Pendra Road, District Bilaspur, wherein the Petitioners have been prosecuted for the offence under Section 498-A of IPC.
2. The present petition has been filed on the ground that since there is an amicable settlement arrived at between the disputing parties, i.e., the Petitioners and Respondent No.2, the Complainant, the parties to dispute want that the case should be closed once and for all in the light of the compromise entered into between them.
3. Before filing of the petition before this Court the Petitioners have paid an amount of Rs.10 Lakh to Respondent No.2 and pending the petition before this Court they have further paid an amount of Rs.14 Lakh to Respondent

No.2 as a one time settlement, with a condition that all the criminal cases pending between the parties would be closed once and for all.

4. In view of the agreement, it has been stated before the Court by both the parties that the remaining amount of Rs.14 Lakh also has been paid to Respondent No.2 by way of a cheque.

5. Counsel for the Petitioners submits that now when the entire payment has been made, the criminal case may be quashed in the light of the compromise arrived at between the parties.

6. At this juncture, Counsel for the Petitioners further make a prayer that the amount of Rs.14 Lakh which has been paid to Respondent No.2 may be utilized for the up-bringing of the daughter born to the Petitioner No.3 and Respondent No.2, who is presently in the custody and is being brought up by Respondent No.2.

7. Counsel for Respondent No.2 submits that it was already agreed by Respondent No.2 of opening of a Sukanya Samriddhi Scheme with an intention that the amount in the said scheme can be used for the up-bringing of the child and for her benefits. He further submits that the Respondent No.2 undertakes for using of the said amount and the interest accrued from the said amount for the betterment of the daughter born to Respondent No.2 and Petitioner No.3. It has also been undertaken by Respondent No.2 that the account of Sukanya Samriddhi Scheme to be opened in the name of her daughter shall be maintained till its normal maturity.

8. On the previous date of hearings, the parties to the dispute had appeared before this Court and they were ordered to give their statements before the Registrar (Judicial) of this Court. The record shows that the parties had appeared before the Registrar (Judicial) and their statements were recorded in respect of the settlement that has been arrived at for the disposal of the case.

9. In the light of the statements made by the parties before the Registrar (Judicial) as also the statements given by the parties before this Court when they had appeared before this Court on the previous dates, this Court is of the opinion that in the light of the settlement and the payment made to Respondent No.2, nothing further remains to be adjudicated upon in the present case and the Criminal Case No. J-377 of 2014 pending before the Court of Judicial Magistrate First Class, Marwahi, Camp Court, Pendra Road, District Bilaspur deserves to be and is accordingly quashed and the Petitioners are discharged from the offence under Section 498-A of IPC.

10. However, it is directed that Rs. 14 Lakh paid to Respondent No.2 shall be put in a Fixed Deposit in the name of Respondent No.2 and she shall ensure that the interest amount on the said amount shall be deposited annually and periodically, as the case may be in the Sukanya Samridhi Scheme opened in the name of the daughter born to Respondent No.2 from the Petitioner No.1.

11. The view of this Court stands fortified with the decisions of the Supreme Courts rendered in **B. S. Joshi & others v. State of Haryana & Another** [2003 (4) SCC 675], **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].

12. The present Criminal Misc. Petition stands accordingly allowed and the Criminal Case No. J-377 of 2014 pending before J.M.F.C. Marwahi Pendra Road, District – Bilaspur stands quashed. The Petitioners stand discharged from the offence charged therein.

Sd/-
(P. Sam Koshy)
Judge