

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 999 of 2017

1. Radhika Bai, W/o. Budharam, Aged About 52 Years, R/o. Talaimuda, Thana - Ramanuj Nagar, District - Surajpur Chhattisgarh.
2. Shiv Kumar, S/o. Gulab Prasad, Aged About 40 Years,
3. Jawala Prasad, S/o Shiv Kumar Harijan, Aged About 19 Years, Petitioner No.2 and 3 both R/o. Village Banjaridand, Thana and Tahsil Khadgawa, District -Koriya, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Police Station - Khadgawa, District Koriya, Chhattisgarh.
2. Smt. Sukhman Bai, W/o Hirashaya, Aged About 60 Years, R/o. Village Chipchipi, Thana Jhagrakhand, District - Koriya Chhattisgarh.

-----Respondents

For Petitioners	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate
For Respondent No.2	: Mr. Sanjeev Kumar Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2017

Heard.

1. This petition has been filed under Section 482 of Cr.P.C. with a prayer to quash the proceedings of Criminal Case No.39/2017, pending against the petitioners, before the Court of Judicial Magistrate First Class, Baikunthpur, District – Koriya (C.G.) on the basis of the compromise between the parties.

2. Petitioners were prosecuted for offence under Section 419, 420, 467, 468, 120B read with Section 34 of Indian Penal Code. During the pendency of trial, respondent No.2/complainant compromised with the petitioners, an application for composition of offence was moved before the trial Court. By order dated 22.06.2017, the trial Court has allowed the application in part acquitting the petitioners/accused persons for the offence under Section 419 read with Section 34 of I.P.C. and rejecting the prayer for composition for offence under Section 467, 468, 471 and 420 of Indian Penal Code.
3. Respondent No.2 Smt. Sukhman Bai has stated on oath before the Additional Registrar (Judicial) that she is giving consent for compromise without any fear or influence and wishes that the case against the petitioners be withdrawn.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considering the submissions made and the statement of respondent No.2, fate of the case against the petitioners is already decided, hence allowing the continuation of trial against the petitioners shall be of no consequence. Under these circumstances and in view of the judgment passed by the Hon'ble Supreme Court in case of **Gian Singh v. State of Punjab & Another** reported in **(2012) 10 SCC 303**, this is a fit case for exercise of inherent powers under Section 482 of Cr.P.C. to prevent the abuse of process of law.
6. Accordingly, the petition is allowed. The proceedings against the petitioners in Criminal Case No. 39/2017, pending before the Court of Judicial Magistrate First Class, Baikunthpur, District – Koriya for the offence under Section 420, 467, 468, 471 read with Section 34 of the

Indian Penal Code is quashed. Petitioners are acquitted of the charges.

7. As submitted that petitioners are in jail, they may be released from detention immediately.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram