

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 1415 of 2016**

Dushyant Patel S/o Babulal Patel, aged about 40 years, R/o Village-
Ragia, Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through the Station House Officer, Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.
2. Durgesh Gupta S/o Ramkumar Gupta, aged about 27 years, R/o Purainapara, Sakti, Tahsil & Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Petitioner : Shri Kamlesh Kumar Pandey, Advocate
 For Respondent No.1/State : Smt. M. Asha, Panel Lawyer
 For Respondent No.2 : Shri G. P. Mathur, 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 entire criminal proceedings initiated against the petitioner in Criminal Case No. 167/2014 pending before the JMFC, Sakti, District Janjgir-Champa (CG) in the light of the compromise entered into between the parties.

2. The case in brief is that the complainant who is respondent no.2 in the present case had lodged an FIR at Police Station, Sakti, District Janjgir-Champa against the petitioner wherein an offence under Section 324 of IPC was registered vide Crime No.91/2014. After completion of necessary investigation, charge sheet was filed against the petitioner and the matter was put to trial before the JMFC, Sakti where the case was registered as Criminal Case No. 167/2014.

3. During the pendency of the case before the Court below, the parties to the dispute 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 06.04.2016 rejected the said application holding that the offence charged against the petitioner is not compoundable leading to the filing of the present petition.

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

5. Today, the complainant i.e. respondent no.2 and the accused/petitioner who is on bail are present before this Court.

6. On a specific query being put to the complainant Durgesh Gupta by this Court, he makes a categorical statement that the matter has been amicably resolved and he does not intend to prosecute the petitioner 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 instruction from his client that the dispute has been amicably settled between the parties.

8. Counsel for the State, at this juncture, submits that since it was a dispute between the petitioner and the respondent no.2 and they have amicably resolved their grievances and disputes, 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 Durgesh Gupta, 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 and there is no possibility of his 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 petitioner in Criminal Case No. 167/2014 pending before the JMFC, Sakti, District Janjgir-Champa (CG) stands quashed and he is discharged of the offence under Section 324 of IPC

13. The present CrMP thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE