

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 196 of 2017

1. Ashish Dixit, S/o. Late Shri Jagdish Prasad Dixit, Aged About 46 Years,
2. Smt. Karuna Dixit, Wd/o. Late Shri Jagdish Prasad Dixit, Aged About 75 Years,

Both are R/o. Gole Bazar, Near Dharamshala, Police Station City Kotwali, Bilaspur District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : The Police Station Torwa, Bilaspur District Bilaspur, Chhattisgarh.
2. Shailesh Kumar Dixit, S/o. Late Sharda Prasad Dixit, Aged About 57 Years,
3. Rajesh Kumar Dixit, S/o. Late Shri Sharda Prasad Dixit, Aged About 58 Years,

No.2 and 3 both are R/o. Near Indera Satu, Tilak Nagar, Bilaspur, Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Suryakant Mishra, Advocate
For Respondent No.1/State	: Mr. Anil S. Pandey, Govt. Advocate
For Respondent No.2 & 3	: Mr. Wasim Miyan, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/08/2017

Heard.

1. Counsel for the petitioners submits that petitioners are prosecuted before the Court of Judicial Magistrate First Class, Bilaspur. The complainants in this case namely Shailesh Kumar Dixit and Rajesh

Kumar Dixit i.e. respondent No.2 and 3 have compromised with the petitioners and the dispute has been amicably settled. An application was moved before the trial Court for compounding of the offences, which was rejected by order dated 27.01.2017, thereafter, charge has been framed against the petitioners for offence under Section 407, 420, 467, 471, 34 of the Indian Penal Code. Hence this petition with prayer to quash the criminal proceedings pending against the petitioners on the basis of compromise between the parties.

2. Learned counsel for the State opposes the grounds raised in the petition. It is submitted that offences are not compoundable and looking to the nature of allegation against the petitioners, petition deserves to be dismissed.
3. I have heard the learned counsel for the parties and perused all the documents placed on record.
4. By orders of this Court statement of respondent No.2 and 3 have been recorded before the Registry of this Court. Respondent No.1 Shailesh Kumar Dixit has submitted that on his report, offence has been registered against the petitioners. He has compromised with the petitioners and dispute has been settled between them and amicable relations were established. Hence for these reasons and on the basis of compromise he prays that criminal proceedings pending against the petitioners be withdrawn. Respondent No.3, Rajesh Kumar Dixit has also made similar statement before the Registry officer of this Court, on oath.
5. As the case investigated and charge-sheeted against the petitioners is based on the information given and the statement given by the complainants/respondent No.2 and 3. Looking to the same, it appears

that fate of the case is already decided, hence in view of the law laid down in case of ***Gian Singh v. State of Punjab & Another*** reported in ***(2012) 10 SCC 303***, this appears to be a fit case for exercise of inherent powers under Section 482 of Cr.P.C. Hence this petition is allowed. The proceedings of Criminal Case No. 470/2012, arising out of the Crime No.281/2005, registered at P.S. Torwa, Bilaspur, pending before the Court of Judicial Magistrate First Class, Bilaspur, District – Bilaspur is quashed. Petitioners are discharged.

6. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram