

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 215 of 2017

1. Shyamlal, S/o. Jhaduram Gond, Aged About 48 Years, Occupation- Service, S.E.C.L., Chhal, Tahsil - Kharsia, District- Raigarh, Chhattigarh.
2. Ramlal, S/o. Jhaduram Gond, Aged About 46 Years,
Both are R/o Village- Tanduldih , Police Station- Baradwar, Tahsil- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station- Baradwar, Tahsil- Sakti, District Janjgir-Champa, Chhattisgarh.
2. Chaitram Satnami, S/o. Shri Santuram Satnami, Aged About 33 Years, R/o. Village- Raipura, Bhathapara, Police Station- Baradwar, Tahsil- Sakti, District- Janjgir- Champa, Chhattisgarh (Complainant)
3. Setram @ Karan, S/o. Shri Gandhiram Kurre, Aged About 25 Years, R/o. Village Raipura, Bhathapara, Police Station- Baradwar, Tahsil- Sakti, District- Janjgir- Champa, Chhattisgarh. (Victim/ Injured)

-----Respondents

For Petitioners	: Mr. Basant Dwangan, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate
For Respondent No.2 & 3	: Mr. Ravi Bhagat, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/10/2017

Heard.

1. This petition has been filed under Section 482 of Cr.P.C. with a prayer to quash the proceedings of S.T. No.117/2015, pending against the

petitioners, before the Court of Second Additional Sessions Judge, Sakti, District – Janjgir-Champa (C.G.) on the basis of the compromise with the complaint/respondent No.2 and 3.

2. On complaint lodged by respondent No.2, the petitioners are facing prosecution for offence under Section 294, 506-B, 427, 307, 34 of the Indian Penal Code and the charges have been framed under Section 294, 323, 324, 427 and 307 read with Section 34 of the Indian Penal Code. During the course of the trial, complainant/respondent No.2 and injured/respondent No.3, filed an application for compounding of offences on the basis of compromise before the trial Court. The same has been allowed in part and the petitioners have been acquitted of the charges under Section 294, 323, 427 read with Section 34 of Indian Penal Code, whereas the offence under Section 324 and 307 read with Section 34 of Indian Penal Code were not compounded being not compoundable under Section 320 of Cr.P.C.
3. Statement of the complainant/respondent No.2 and injured/respondent No.3 have been recorded before the Registry of this Court, both have stated before the Additional Registrar (Judicial) of this Court that they have given consent for this compromise without any fear and influence and they wish to withdraw the criminal proceedings against the petitioners.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Looking to the development of situation in the prosecution case against the petitioners and the consent for compromise given by the respondent No.2 & 3, complainant in this case, keeping in view the

judgment of 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 jurisdiction so as to prevent the abuse of process of law as the fate of the case against the petitioners is already decided, hence allowing the continuation of trial against the petitioners shall be of no consequence.

6. Accordingly, the petition is allowed. The proceedings against the petitioners in S.T. No. 117/2015 arising out of the Crime No.62/2015, registered at Police Station – Baradwar, District – Janjgir-Champa for the offence under Section 324 and 307 read with Section 34 of the Indian Penal Code, pending before Second Additional Sessions Judge, Sakti, District – Janjgir-Champa (C.G.) is quashed. Petitioners are discharged.
7. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram