

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P.No.327 of 2017**

Manoj Kumar Verma son of R.P.Verma, aged about 57 years, R/o Deurgaon, P.S. Saja, District Bemetara at present Shriram Park, House No.N-3, P.S. D.D. Nagar, Raipur, District Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through Station House Officer, P.S. D.D. Nagar Raipur, District Raipur (CG)
2. Dilip Kumar Sahu, son of late Ramnath Sahu, aged about 38 years, R/o. Ashwani Nagar, Near Convent School, Purani Basti, Raipur, District Raipur (CG)

---Respondents

For Petitioner	:	Mr.Tarun Dadsena, Advocate
For Respondent No.1	:	Mr.Arun Sao, Dy.A.G.
For Respondent No.2	:	Mr.Avinash Chand Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

18/05/2017

1. The petitioner has filed this petition under Section 482 of the CrPC for quashment of the charge-sheet and proceeding relating to Criminal Case No.15858/2016 pending before the Judicial Magistrate First Class, Raipur.
2. On the basis of complaint filed by respondent No.2, offence under Sections 294, 353, 332 and 186 of the IPC has been registered against the petitioner, whereas the petitioner is working on the post of Executive Engineer in Chhattisgarh Power Distribution Corporation, Raipur and after that, charge-sheet has been filed before the jurisdictional criminal Court.
3. The petitioner has filed this petition for quashment of criminal proceedings pending before the Judicial Magistrate First Class, Raipur in Criminal Case No.15858 of 2016 on the

ground that matter has been compromised with respondent No.2. Since offences are not compoundable and they have settled their dispute amicably, prosecution launched against the petitioner be quashed.

4. Pursuant to order of this Court dated 11.4.2017, respondent No.2 Dilip Kumar Sahu and petitioner Manoj Kumar Verma have been examined on 24.4.2017 in which they have clearly stated that they have compromised the dispute.

5. The Supreme Court in **Gian Singh v. State of Punjab & Another**¹ has laid down the following principles :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having

1. (2012) 10 SCC 303

overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

62. In view of the above, it cannot be said that *B.S. Joshi, Nikhil Merchant and Manoj Sharma* were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the Bench(es) concerned.”

6. The Supreme Court in ***B.S.Joshi & Ors. v. State of Haryana & Anr.***² has held as under :

“14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against

2. (2003) 4 SCC 675

the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.B/-

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

7. Furthermore, the Supreme Court in the case of **Jitendra Raghuwanshi and others v. Babita Raghuwanshi and another**³ has examined scope of compromise under Section 320 of Cr.P.C. in offence of non-compoundable nature.
8. The Supreme Court referred to various cases and has laid down that in cases of matrimonial matters, court should exercise power under Section 482 of Cr.P.C. sparingly and only it may exercise when the court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed.
9. In the present case, respondent No.2 has clearly stated that he has settled the dispute amicably. Both are government servants and they do not want to continue with criminal case.
10. Since both are government servants working in the Corporation and the Electricity Board and they have

3 (2013) 4 SCC 58

compromised the matter to have good relation, it would be in the interest of justice to quash the criminal proceedings pending before the Judicial Magistrate First Class, Raipur in Criminal Case No.15858 of 2016.

- 11.** For the foregoing reasons, the petition is allowed and criminal proceedings pending before the Judicial Magistrate First Class, Raipur in Criminal Case No.15858 of 2016 are hereby quashed. The petitioner is acquitted of the charges.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-