

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 572 of 2014

Mukhtyar Singh, S/o. Karam Singh @ Karan Singhm, Aged About 46 Years,
By Caste-Sikh, R/o. Post Borsi, P.S. -Sandipala, Distt. Amritsar & At Present
R/o. Sector-6, Street 65, Qtr.No.3d, Bhilai, P.S. Sector-6, Kotwali, Bhilai, Distt.
Durg, Civil and Revenue District – Durg (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through: S.H.O., Mahila Thana - Durg, Tah. & Distt. Durg (C.G.)
2. Harjinder Kaur, W/o. Mukhtyar Singh, aged about 33 years, R/o. Shanti Nagar, Near Rajendra Chowk, In Front of Verma Dairy, P.S. Supela, Bhilai, Distt. Durg, Civil and Revenue District – Durg (C.G.)

-----Respondents

For Petitioner	: Ms. Smita Jha, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer
For Respondent No.2	: Mr. Tarun Dadsena, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/08/2017

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.637/2010, pending against the petitioner, before the Court of Judicial Magistrate First Class, Durg.
2. It is submitted by the counsel for petitioner that on a complaint made by respondent No.2, FIR was lodged against petitioner registering offence under Section 498-A of Indian Penal Code. The matter was

investigated and petitioner was charge-sheeted for offence under Section 498A, 406 and 494 of Indian Penal Code and Section 4 of the Dowry Prohibition Act. Trial Court charged the petitioner for offence under Section 498-A and 406 of Indian Penal Code and posted the case for hearing.

3. During the course of trial, respondent No.2/complainant moved an application under Section 320 (1) & 320 (2) of Cr.P.C. for compounding of offence. Order has been passed vide order dated 16.08.2016 allowing the application in part and acquitting the petitioner/accused for offence under Section 406 of Indian Penal Code, whereas, offence under Section 498-A of Indian Penal Code could not be compounded as this offence is not compoundable under Section 320 of Cr.P.C. Hence this petition.
4. Petitioner and respondent No.2 – Harjinder Kaur have given appearance before this Court and their statement has been recorded. Respondent No.2 has stated on oath before this Court that she has compromised the matter with petitioner and presently they have amicable relationship, hence on the basis of this compromise, she is willing to withdraw this criminal proceeding against petitioner. It appears that respondent No.2 has willingly given consent for withdrawal of criminal case against the petitioner without being influenced and without any fear or favour.
5. It is a case in which fate of criminal case is almost determined and after the development that has taken place, keeping the prosecution case pending shall be futile exercise for recording of evidence of hostile witnesses and passing the judgment of acquittal. In view of the law laid down in case of ***Gian Singh v. State of Punjab & Another***

reported in **(2012) 10 SCC 303**, this is fit case for exercise of inherent powers under Section 482 of Cr.P.C. to prevent the abuse of process of law.

6. Looking to the facts and circumstances of this case and further looking to the fact that the petitioner and respondent No.2 are living separately and the dispute between them has been resolved, therefore, considering the facts of this case, it would be in the interest of justice to quash the proceeding of Criminal Case No.637/2010, pending before the Court of Judicial Magistrate First Class, Durg, District – Durg (C.G.) arising out of Crime No.13/2009, registered at P.S. -Mahila Thana, Durg, District - Durg.
7. In the result, proceedings of Criminal Case No. 637/2010, arising out of the Crime No.13/2009, pending before Judicial Magistrate First Class, Durg, District – Durg is quashed. Petitioner is acquitted of the charges.
8. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge