

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 524 of 2015

1. Bablu Mishra, S/o. Pramod Mishra, Aged About 32 Years, R/o. Sector 8, Road No. SPA, Quarter No. 4 D, Bhilai Nagar, District Durg Chhattisgarh.
2. Krishna Bapu Mishra, S/o. Pramod Mishra, Aged About 25 Years, R/o. Sector 8, Road No. SPA. Quarter No. 4, Bhilai Nagr, District Durg Chhattisgarh.
3. Komal @ (Purnima) Pandey, W/o. Harish Pandey, Aged About 24 Years, Permanent Address -Abhanpur District -Raipur Chhattisgarh.
4. Smt. Maya Thripathi, W/o. Shri R.K. Tripathi, Aged About 26 Years, R/o. Parijat Colony, House No. 58C (Wrongly mentioned as 735) Police Station -Bhilai Nagar (Wrongly Mentioned As Utai), District Durg Chhattisgarh.
5. Smt. Daya Devi, W/o. Pramod Mishra Aged About 52 Years, R/o. Sector 8, Road No. SPA, Quarter No. 4D, Bhilai Nagr, District Durg Chhattisgarh.
6. Pramod Kumar Mishra, S/o. Lakshmi Narayan Mishra, Aged About 55 Years, R/o. Sector 8, Road No. SPA, Quarter No. 4D, Bhilai Nagar, District Durg Chhattisgarh.
7. Shiv Prasad Mishra, S/o. Pramod Kumar Mishra, Aged About 27 Years, R/o. Sector 8, Road No. SPA, Quarter No. 4D, Bhilai Nagar, District Durg Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Station Incharge, Police Station Bhilai Nagar, District Durg Chhattisgarh.
2. Smt. Prarthna Mishra, W/o. Bablu Mishra, Aged About 28 Years, R/o. Tendu Dipa Para, Behind Railway Cabin, Dewarpara, Raigarh Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Anumeh Shrivastava, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate
For Respondent No.2	: Mr. Raghavendra Verma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/08/2017

Heard.

1. Counsel for the petitioners submits that parties have come to terms of settlement through mediation. The mediation report is already on record, hence the case may be disposed off.
2. Counsel for respondent No.2 submits that consequent to the settlement between the parties, this petition has become infructuous and the case may be disposed off.
3. The report of mediation center of High Court of Chhattisgarh is on record. Petitioner and respondent No.2 have agreed to settle their dispute on the following conditions :-

"1. That, both the parties are agreed to live together and they started living together as per their settlement reached in a mediation proceeding on 06.04.2016 and now they left off their disputes, misunderstandings and complaints against each other and as well as against their family members.

2. That, first party i.e. Shri Bablu Mishra and others have preferred Cr.M.P. No.524/2015 for quashing set a side the Criminal Case No.6300/2014 pending before Judicial Magistrate First Class, Durg, between State Vs. Bablu Mishra and Others, as well as for quashment of challan. Since now both the parties are living together, so, by moving a joint

application before the Hon'ble High Court of Chhattisgarh Cr.M.P. 524/2015 they will take steps for quashment of Criminal Case No.6300/2004 pending before Judicial Magistrate First Class, Durg on the basis of mutual consent.

3. *That, second party has preferred an application under Section 125 Cr.P.C. for maintenance which is pending before the Family Court, Raigarh (C.G.). The second party will move an application for withdrawal of maintenance case as aforesaid.*

4. *That, apart from above, except both the referred cases there is no other Civil or Criminal Cases pending against each other and if any complaint/case/dispute which may pending leading to the instant dispute, comes in their knowledge later on then both the parties will withdraw those cases.*

The parties agreed to abide by the terms as settled on their own free will, the terms of settlement has read over to the parties and has been signed at mediation centre High Court Premises Bilaspur on 04.05.2016, in presence of witnesses."

4. On the basis of condition No.2 of terms of settlement, criminal case pending against petitioners is to be withdrawn by the consent of complainant/respondent No.2. Applying the view laid down in case of ***Gian Singh v. State of Punjab & Another*** reported in **(2012) 10 SCC 303** this petition is allowed. The proceeding against the petitioners in Criminal Case No.6300/2014, pending before the Judicial Magistrate First Class, Durg, District – Durg (C.G.) is hereby quashed. Further this petition is disposed of with direction to the parties to abide by the terms of settlement.

Sd/-
(Rajendra Chandra Singh Samant)
Judge