

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 331 of 2016

1. Anil Gupta, S/o. Ramdhani Gupta, Aged About 31 Years, R/o. Smriti Nagar, P.S. Supela, District -Durg, Chhattisgarh.
2. Bedi Gupta, S/o. Ramdhani Gupta, Aged About 35 Years,
3. Shanti Devi Gupta, W/o. Ramdhani Gupta, Aged About 55 Years,
4. Ramdhani Gupta, S/o. Dudhnath Gupta, Aged About 65 Years,
5. Meenu Gupta, W/o. Bedi Gupta,
No.2 to 5 R/o. Infront A.C.C. Chowk, Gupta Lakdi Tal, P.S. Jamul, Tah.
and Distt.- Durg Chhattisgarh.
6. Kayanath Jaiswal, S/o. Shripat Jaiswal, Aged About 48 Years,
7. Rajkumari Jaiswal, W/o. Kayanath Jaiswal,
R/o. Khursipar, Quarter No. 11/C, Distt. -Durg Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : The Station House Office, Mahila Thana, Durg, District Durg Chhattisgarh
2. Priyanka Gupta, W/o. Anil Gupta, Aged About 26 Years, R/o. Mahatma Gandhi Nagar, Camp-2, Bhilai, P.S. Chhawani, Tahsil and District Durg Chhattisgarh.

-----Respondents

For Petitioners	: Mr. Uttam Pandey, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer
For Respondent No.2	: None present.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/09/2017

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.18600/2009, pending against the petitioners, before the Court of Judicial Magistrate First Class, Durg, District – Durg (C.G.).
2. Respondent No.2 is the wife of petitioner No.1. On complaint made by respondent No.2, offence under Section 406, 498-A, 34 of Indian Penal Code was registered by the Mahila Thana, District – Durg and after completion of investigation, petitioners were charge-sheeted. Petitioners and respondent No.2 entered into compromise and settled their dispute amicably, consequent to which, application under Section 320 of Cr.P.C. was moved before the trial Court for composition of offence. The application was partly allowed. Petitioners were acquitted from the compoundable offence under Section 406 of Indian Penal Code, whereas, prayer of composition of offence under Section 498A of I.P.C. was rejected as the offence is not compoundable under Section 320 of Cr.P.C. Hence this petition.
3. Respondent No.2 has appeared before this Court and her statement has been recorded by the Registry. She has stated on oath that she herself and the petitioners have compromised and resolved all their disputes. Hence she has given consent for compromise without any fear or influence. Hence, she prays that criminal case pending against the petitioners before the Court below be withdrawn.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considering the submissions made and the statement of respondent No.2, fate of the case against the petitioners is already decided, hence allowing the continuation of trial against the petitioners shall be of no

consequence. Under these circumstances and in view of the judgment passed by the 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 powers under Section 482 of Cr.P.C. to prevent the abuse of process of law.

6. Accordingly, the petition is allowed. The proceedings against the petitioners in Criminal Case No. 18600/2009 arising out of the Crime No.9/2009, registered at Police Station – Mahila Thana, Durg, District – Durg for the offence under Section 498, 406, read with Section 34 of the Indian Penal Code, pending before Judicial Magistrate First Class, Durg, District – Durg is quashed. Petitioners are discharged.
7. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram