

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 454 of 2016

1. Dinesh Kumar Sharma, S/o. Narayan Prasad Sharma, Aged About 28 Years,
2. Smt. Maya Sharma, W/o. Narayan Prasad Sharma, Aged About 60 Years,
3. Narayan Prasad Sharma, S/o. Late Shri Khajan Chandra Sharma, Aged About 62 Years,

All Permanent R/o. Jaydeo Colony, Hailymandi, Tehsil Pataudi, District Gurgaon (Hariyana). Presently R/o. House No. 333, Gali No. 8, Shahid Bhagat Singh Colony, West Karawal Nagar, Delhi 110094.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through :Police Of Police Station -Abhanpur, District -Raipur, Chhattisgarh.
2. Smt. Deepali @ Sunita Sharma, W/o. Dinesh Kumar Sharma, Aged About 26 Years, D/o. Rati Ram Sharma, R/o. Mamanchand Hukamchand, Timber Merchant And Saw Mill Owners, Rajim Road, Abhanpur, District Raipur Chhattisgarh.

-----Respondents

For Petitioner : Mr. Y.C. Sharma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/08/2017

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.252/2008 pending against the petitioners, before the Court of Judicial Magistrate First

Class, Raipur on the basis of the compromise entered between the parties.

2. Respondent No.2 lodged a FIR against the petitioners on the basis of which, offence under Section 498A of I.P.C. was registered. After completion of investigation, charge-sheet has been filed for the offence under Section 498A, 323 and 506 read with Section 34 of the Indian Penal Code, before the trial Court. Trial Court has framed the charges accordingly and the trial is proceeding.
3. Respondent No.2, the wife of the petitioner No.1 has consented to compromise and compound the case. Consequent to that, petitioners and respondent No.2 are residing together happily, hence permission is sought to compound the offence registered against the petitioners.
4. Statement of petitioner No.1 and respondent No.2 – has been recorded by the Registry of this Court. Respondent No.2 – Deepali Sharma has stated on oath that she has consented to compromise with the petitioners without any fear, favour or influence and she is living happily with petitioner No.1 and amicable relationship is established between them. Hence, it is prayed that criminal proceedings against petitioners be terminated.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. 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.

7. Accordingly, the petition is allowed. The proceedings against the petitioners in Criminal Case No. 252/2008 arising out of the Crime No.124/2007, registered at Police Station – Abhanpur, District – Raipur for the offence under Section 498A, 323 and 506 read with Section 34 of the Indian Penal Code, pending before Judicial Magistrate First Class, Raipur, District – Raipur is quashed. Petitioners are discharged.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram