

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 684 of 2017

1. Mukesh Kumar Rathore, S/o. Late Shri Balram Rathore, Aged About 33 Years, R/o. Balco Nagar, District Korba, Chhattisgarh.
2. Smt. Raj Kumari Rathore, W/o. Late Shri Balram Rathore, Aged About 55 Years,
3. Ku. Nisha Rathore, D/o. Late Shri Balram Rathore, Aged About 21 Years, R/o. Balco Nagar, District Korba, Chhattisgarh.

---- Petitioners

Versus

1. Nandani Rathore, W/o. Mukesh Kumar Rahtore, Aged About 26 Years, R/o. Quarter No. SF - 587, CSEB Colony, Korba (West), District Korba, Chhattisgarh.
2. State Of Chhattisgarh, Through : Station House Officer, Police Station : Balco Nagar, District - Korba, Chhattisgarh.

-----Respondents

For Petitioners	: Mr. Anil Gulati, Advocate
For Respondent No.1	: Mr. A.K. Prasad, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/10/2017

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.1562/2014, pending against the petitioners, before the Court of Judicial Magistrate First Class, Link Court – Korba, (C.G.) on the basis of the compromise with the complaint/respondent No.1.

2. On complaint lodged by respondent No.1, petitioners are being prosecuted for offence under Section 498-A read with Section 34 of the Indian Penal Code before the Court of Judicial Magistrate First Class, Korba in Criminal Case No.1562/2014. During the pendency of trial, respondent No.1/complainant in this case has compromised with the petitioners, on this basis an application for compounding of offence was moved before the trial Court, which has been rejected as the offence charged against the petitioners is non-compoundable, hence this petition.
3. Respondent No.1 has given statement before the Additional Registrar (Judicial) of this Court stating that she has entered into a compromise with petitioners mentioning various terms of compromise and has stated that she has willingly without any fear and influence given consent for the compromise and wishes that criminal case against the petitioners be withdrawn.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Looking to the development of situation in the prosecution case against the petitioners and the consent for compromise given by the respondent No.1/complainant in this case, keeping in view the judgment of 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 jurisdiction so as to prevent the abuse of process of law as the fate of the case against the petitioners is already decided, hence allowing the continuation of trial against the petitioners shall be of no consequence.

6. Accordingly, the petition is allowed. The proceedings against the petitioners in Criminal Case No. 1562/2014 arising out of the Crime No.255/2014, registered at Police Station – Balco Nagar, District – Korba for the offence under Section 498 read with Section 34 of the Indian Penal Code, pending before Judicial Magistrate First Class, Link Court - Korba, District – Korba is quashed. Petitioners are discharged.
7. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram