

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 689 of 2017**

Lokesh Singh Thakur S/o Vijay Singh Thakur Aged About 39 Years R/o
Pausera, Police Station - Koni, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Koni, District- Bilaspur, Chhattisgarh.

---- Respondent

For the Petitioner	: Shri Goutam Khetrapal, Advocate.
For the Respondent/State	: Shri Anil S. Pandey, G.A.
For the Complainant	: Shri Purnendra Khichariya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.08.2017**

1. Heard.

2. This petition has been brought under Section 482 of the Code of Criminal Procedure with a prayer to quash the criminal proceedings pending before the trial Court against the petitioner.

3. On the basis of the First Information Report lodged by complainant – Jagrita Singh Thakur, the petitioner is being prosecuted for the offences under Sections 498-A and 323 of the Indian Penal Code in Crime No. 172 of 2017. Investigation is being done in Crime No. 172 of 2017 of Police Station Koni, District Bilaspur. During the pendency of the petition, the petitioner and the complainant (his wife) have compromised and they are living together after amicable settlement of disputes between them. Hence, this petition is filed with a prayer for quashment of the criminal proceedings.

4. Learned State counsel has opposed the submissions and the arguments submitted on behalf of the petitioner.

5. Complainant – Jagrita Singh Thakur was not a party in this case and she has appeared before this Court on 23.8.2017 and by order of this Court her statement has been recorded by the Registry. Complainant – Jagrita Singh Thakur has stated that she and her husband (the petitioner) have compromised the matter and all the disputes between them have been resolved. She has given a consent freely without any fear or favour for the compromise. Hence, it is prayed that the criminal proceedings against the petitioner may be withdrawn.

6. Considering the submissions made, it appears that the petitioner and the complainant had matrimonial dispute between them, which has been settled amicably and both are again leading married life happily. For the sake of the stability of marriage between the parties, in view of the compromise arrived at between the parties, it appears that the investigation and its result shall further complicate the matter. Even if a charge-sheet is filed, the conclusion shall be predictable. Hence, for these reasons, the proceedings under criminal law shall be a futile exercise, keeping in view the judgment of the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab & Another***¹ in which the Apex Court has laid down the following principles :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for

¹. (2012) 10 SCC 303

compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised **in accord** with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of

criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

7. In view of the above, this appears to be a fit case in which inherent powers under Section 482 of Cr.P.C. can be exercised. Hence, this petition is allowed at the motion stage. The criminal proceedings against the petitioner initiated by FIR No.172 of 2017 at Police Station Koni, District Bilaspur are hereby quashed.

8. Accordingly, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge