

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 796 of 2017

1. Gaurishankar Nirmalkar, S/o. Mr. Ram Charan Nirmalkar, Aged About 29 Years, R/o.
2. Ram Charan Nirmalkar, S/o. Mr. Hulas Ram Nirmalkar, Aged About 67 Years,
3. Smt. Teej Bai, W/o. Mr Ram Charan Nirmalkar, Aged About 66 Years,
All R/o Village - Mohra, Post- Selar, Police Station- Seepat, District- Bilaspur, Chhattisgarh
4. Smt. Santoshi, W/o Mr. Lalit Kumar Paraskar, Aged About 38 Years,
R/o. Village- & Post Banari, Police Station -Janjgeer, District- Janjgir- Champa, Chhattisgarh.
5. Smt. Priya Nirmalkar, W/o. Mr. Gaurishankar Nirmalkar, Aged About 33 Years, R/o. Om Nagar, Jarhabhatha, District- Bilaspur, Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh, Through : P.S. - Civil Lines, District Raigarh
Chhattisgarh

-----Respondents

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/08/2017

Heard.

1. This petition has been filed under Section 482 of Cr.P.C. with a prayer to quash the Criminal Case No.627/2013, pending against the petitioner No.1 to 4, before the Court of Judicial Magistrate First Class,

Bilaspur.

2. It is submitted by the counsel for petitioners that petitioner No.5 lodged a complaint against the petitioner No.1 to 4 on the basis of which, FIR was registered under Section 498-A read with Section 34 of the Indian Penal Code. After investigation of the case, petitioner No.1 to 4 have been charge-sheeted before the trial Court. Trial Court has framed the charges under Section 498A read with Section 34 of the Indian Penal Code. It is further submitted by the learned counsel for the petitioners that during the pendency of the case, petitioner No.1 to 4 and complainant/petitioner No.5 have compromised the disputes between them and resolved their disputes amicably. As the offence under Section 498-A of Indian Penal Code is not compoundable, hence this petition has been filed.
3. Counsel for the State has opposed this petition and the submission made in this respect.
4. By order of this Court, the statement of the petitioners have been recorded by the Registry. Petitioner No.5/complainant has stated on oath that she has compromised the dispute with the remaining petitioners without any fear, favour or influence and cordial relations have been established, hence on the basis of this, she prays that case against the petitioners No.1 to 4 be withdrawn.
5. I have heard the learned counsel for the parties and perused the documents on record.
6. Considering the submissions made and on perusal of the documents submitted, it appears that matrimonial dispute between petitioner No.1 to 4 and petitioner No.5 as it was, has been compromised and it is

according to the terms of compromise, petitioner No.5 prays for withdrawal of criminal proceeding against remaining petitioners. Fate of the criminal case is almost decided, hence continuation of trial in this case certainly would amount to abuse of process of law. In view of the law laid down 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, this petition is allowed. The proceedings of Criminal Case No.627/2013, arising out of the Crime No.258/2012, pending before Judicial Magistrate First Class, Bilaspur, District – Bilaspur is quashed. Petitioners No.1 to 4 are acquitted of the charges.
8. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram