

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 982 of 2015**

1. Goutam Mitra S/o Lt. Shri Ashitbaran Mitra, Aged About 36 Years R/o Vinoba Nagar, P. S. Taarbahar, Bilaspur, Civil And Revenue District - Bilaspur (Chhattisgarh).
2. Smt. Alpana Mitra W/o Lt. Shri Ashitbaran Mitra Aged About 57 Years R/o Vinoba Nagar, P. S. Taarbahar, Bilaspur, Civil And Revenue District - Bilaspur (Chhattisgarh).

---- Petitioners**Versus**

1. State Of Chhattisgarh Through : Station House Officer, Tarbahar, Bilaspur (Chhattisgarh).
2. Pallavi Mitra W/o Shri Goutam Mitra Aged About 34 Years R/o Saraswati Nagar, Raipur, Chhattisgarh.

---- Respondents

For Petitioners	Mr. Amit Kumar Chaki, Advocate
For State	Mr. Lav Sharma, Panel Lawyer
For Respondent No.2	Mr. Vikram Singh, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****12.01.2017**

1. The present Petition has been filed under section 498 Cr.M.P. seeking for quashment of the F.I.R. No. 299/2007 registered at polices station Tarbahar, District - Bilaspur based upon which Criminal Case No. 398/2010 has been registered before the Judicial Magistrate First Class Bilaspur wherein the Petitioners are being prosecuted for the offence under Section 498(A), 323/34 IPC.
2. Pending the case before the Court below the parties to the dispute

have amicably resolved their dispute. It has been stated by the Counsel for the parties that by virtue of the mutual settlement arrived at between the parties they have decided to close the Criminal Case pending against either of the parties once and for all. Counsel for the parties since they have arrived at mutual settlement and compromise, they do not intend to pursue with the matter any further and wants the case to be closed in the light of the mutual settlement.

3. The Petitioner No. 1 Goutam Mitra and Petitioner No.2, Smt. Alpana Mitra, mother of Petitioner No.1 are present before the Court along with the complainant Respondent No.2, Pallavi Mitra. On a specific query being put to the parties they have admitted that the matter has been amicably resolved between them. Further Respondent No.2 also states that she does not intend to further prosecute the Petitioners any further and wants the matter to be closed one and for all.
4. Counsel appearing for Respondent No. 2 also submits that he has specific instructions whereby the Respondent No.2 has informed him that by virtue of the compromise she does not want the matter to be proceeded any further and the case to be closed against the Petitioners.
5. Learned State Counsel at this juncture submits that since the dispute has already been amicably resolved. All the grievance and the dispute which is primarily between the husband and wife has been settled, the state have no objection in closing the matter.
6. In the light of the specific averments made by the parties in dispute, this Court is of the opinion that once when the complainant and the accused

having settled and buried their disputes and differences, it would be an important consideration for the High Court while exercising the powers under Section 482 Cr.P.C. to quash the criminal proceeding pending against the Petitioners. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of **Gian Singh Vs. State of Punjab**¹ and also in the case of **Narinder Singh and Others Vs. State of Punjab**².

7. Accordingly, the present Cr.M.P. is allowed and the Criminal case No. 398/2010 pending before the Court of Judicial Magistrate, First Class, Bilaspur arising out of Crime No. 299/2007 registered at police station Tarbahar and consequential proceeding shall also stand quashed.

Sd/-

(P. Sam Koshy)
JUDGE

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1 2012 (10) SCC 303

2 2014 (6) SCC 466