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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 939 of 2017**

1. Amit Shrivastava S/o Late N. L. Shrivastava, Aged About 35 Years R/o Bandhwapara, Sarkanda, Police Station Sarkanda, District Bilaspur (Chhattisgarh).
2. Annapurna Shrivastava W/o Late N. L. Shrivastava, Aged About 70 Years R/o Bandhwapara, Sarkanda, Police Station Sarkanda, District Bilaspur (Chhattisgarh).
3. Divya Shrivastava W/o Ajay Shrivastava, Aged About 43 Years R/o Bandhwapara, Sarkanda, Police Station Sarkanda, District Bilaspur (Chhattisgarh).

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station, Sarkanda, Bilaspur, District Bilaspur (Chhattisgarh).
2. Smt. Neha Shrivastava @ Neetu Shrivastava, W/o Amit Shrivastava, Aged About 31 Years R/o Behind Check Post, Block No.1, Ward No.17, Ramnagar, Tahsil Kotma, District Anuppur (Madhya Pradesh).

---- Respondents

For the Petitioners	: Shri S.R.J. Jaiswal, Advocate.
For the Respondent/State	: Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.09.2017**

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 against the petitioners pending before the Court of Judicial Magistrate First Class, Bilaspur, District Bilaspur, Chhattisgarh.
3. Respondent No.2 made a complaint against the petitioners in Police Station Sarkanda. On the basis of which, the offence under Sections 498-A

read with Section 34 of the Indian Penal Code has been registered in Crime No. 249 of 2015. After completion of investigation, the petitioners have been charge-sheeted. In the meanwhile, respondent No.2, the complainant has entered into a compromise with the petitioners. Subsequent to that, an application for compounding of offence was moved before the trial Court which was partly allowed and the petitioners were acquitted of the charges under Sections 323 and 506 of the IPC on account of composition of offences, whereas the prayer for compounding of offences under Section 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act was not allowed being not compoundable. Hence, this petition.

4. Respondent No.2 – Smt. Neha Shrivastava @ Neetu Shrivastava has stated on oath before the Registry Officer that she has given consent for compromise without any fear or influence. Hence, she prays that the criminal proceedings against the petitioners be withdrawn.

5. Considering the submissions made by respondent No.2, the complainant in the case, it appears that the fate of criminal case against the petitioners is already decided and if such criminal proceeding is allowed to continue and wait for the witnesses to turn hostile, then it would certainly amount to abuse of process of law. The Hon'ble Supreme Court in ***Gian Singh v. State of Punjab & Another***¹ 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

¹. (2012) 10 SCC 303

different from the power given to a criminal court for 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.

6. 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 petitioners in Criminal Case No. 1332 of 2016 pending before the Court of Judicial Magistrate First Class, Bilaspur, District Bilaspur are hereby quashed.

7. Accordingly, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge