

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 1001 of 2017

1. Smt. Shraddha Mishra, aged about 29 years, W/o. Shri Manish Mishra, R/o. Flat No.1, Vimal Vihar Apartment, Near Tandan Dairy, New Shanti Nagar, Raipur, District – Raipur (C.G.)

---- Petitioners

Versus

1. Manish Mishra, S/o. Shri Baldev Prasad Mishra, aged about 36 years,
2. Sushila Mishra, W/o. Late Shri Baldev Prasad Mishra,
Both R/o. Near Bhawan Ji Bhai School, Mool Road, Police Station – Ram Nagar, Chandrapur, Maharashtra
3. State of Chhattisgarh, Through : The Station House Officer, Mahila Thana, Raipur, District – Raipur, Chhattisgarh

-----Respondents

For Petitioners	: Mr. Manoj Kumar Dubey, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2017

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.1864/2007, pending against the respondent No.1 and 2, before the Court of Judicial Magistrate First Class, Raipur, District – Raipur (C.G.).
2. Petitioner is divorced wife of respondent No.1. When their marriage was existing, a complaint was filed by the petitioner on the basis of which, FIR was registered and respondent No.1 and 2 were being

prosecuted for offence under Section 498A/34, 323, 506A of the Indian Penal Code. During the pendency of the criminal case, petitioner/complainant and respondent No.1 and 2 entered into compromise on the basis of which, the trial Court has passed order dated 25.04.2017 and allowed the application for composition of offence in part and acquitted the respondent No.1 and 2 for compounding offence under Section 323, 506A of Indian Penal Code. The application for compounding of offence under Section 498A of I.P.C. was rejected. Hence this petition.

3. State counsel has opposed the petition and submission made.
4. Petitioner – Smt. Shraddha Mishra has stated on oath before the Additional Registrar (Judicial) that she has entered into compromise with the respondent No.1 and 2 freely without any fear or influence. Hence, prayed that criminal proceedings against the respondent No.1 and 2 be withdrawn.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. Considering the submissions made and the statement of petitioner/complainant, fate of the case against the respondent No.1 and 2 is already decided, hence allowing the continuation of trial against the respondent No.1 and 2 shall be of no consequence. Under these circumstances and in view of the judgment passed by the 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 powers under Section 482 of Cr.P.C. to prevent the abuse of process of law.

7. Accordingly, the petition is allowed. The proceedings against the respondent No.1 and 2 in Criminal Case No. 18642007 for the offence under Section 498A read with Section 34 of the Indian Penal Code, pending before Judicial Magistrate First Class, Raipur, District – Raipur is quashed. Petitioners are discharged.
8. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram