

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1037 of 2017**

- Savitri Verma W/o Jaidev Mahindra, Aged About 39 Years Occupation Advocate, R/o A-7, Mahima Tower, First Floor Jarhabhatha, Rajiv Gandhi Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Bilaspur (Chhattisgarh).

---- Respondent

For Petitioner	:	Ms. Savitri Verma, Petitioner in person.
For State/Respondent	:	Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/08/2017**

1. Later on, the statement of petitioner has been recorded in which she has stated she has compromised with the accused persons and she is giving consent for compromise without any fear, favour or influence thereafter, amicable relationship has been established between the parties, she has no objection for the criminal proceeding against the accused persons to be withdrawn.
2. This petition is brought under Section 482 of Cr.P.C. with a prayer to exercise inherent jurisdiction of this Court.
3. On the basis of FIR lodged by the petitioner, a case was registered against her husband (Jaidev Mahendra) and other in-laws for offence under Sections 498-A, 294, 506, 323/34 of IPC. After the filing charge-sheet the case is pending before the Court of Judicial Magistrate First Class, Bilaspur, registered as Criminal Case No.13440/2014 on which Jaidev Mahendra and others are being prosecuted. As a result of compromise in the case, an application for compounding the offence was moved before the trial Court which was decided on 16.5.2017 allowing the application in part, on which the accused persons have been acquitted from the offence under Section 323 of IPC. The remaining offence is Section 498-A of IPC, which is not compoundable. Hence, prayer for compounding the offence was refused by the trial Court. Hence, this petition.

4. Learned counsel for the State has submitted that as the petitioner and the accused persons had a family dispute which has been amicably settled, hence, the State has no objection if the petition is disposed off.
5. Considering the statement giving by the petitioner and that the matrimonial dispute between the petitioner and (the accused persons) her husband and in-laws have been amicable settled, petitioner herself has filed this petition and has appeared in person to prosecute this petition which indicates that the fate of criminal case against the accused persons is almost decided, if the prosecution is allowed to continue that would amount to abuse of process of law.
6. 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 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-dominantly 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

1. (2012) 10 SCC 303

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 above, also as per guide line laid down in Gian Singh's case this petition is allowed. The criminal proceeding in case No.13440/2014 pending before the Judicial Magistrate First Class, Bilaspur against the accused persons (who are not a party in this petition), is quashed hereby.
8. Accordingly, the petition stands disposed off.
9. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE