

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 976 of 2017

Rajni Gorakh, W/o. Sachin Gorakh, Aged About 34 Years, R/o. Near Sangeet Mahavidalaya, Tikarapara, Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali, Bilaspur, District -Bilaspur Chhattisgarh.
 2. Sachin Gorakh, S/o. Soukhi Lal Gorakh, Aged About 33 Years,
 3. Smt. Mohani Gorakh, W/o. Soukhi Lal Gorakh, Aged About 64 Years,
 4. Smt. Chandrama Sonkar, W/o. Prakash Sonkar, Aged About 39 Years,
 5. Ku. Pinki, D/o. Soukhi Lal Gorakh, Aged About 35 Years,
- All are R/o Tikarapara, Shiv Marg, Police Station- City Kotwali, Bilaspur Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Gagan Tiwari, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

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 proceedings of Criminal Case No.2312/2015, pending against the respondent No.2 to 5, before the Court of Judicial Magistrate First Class, Bilaspur.

2. Petitioner lodged one FIR in Police Station – City Kotwali, Bilaspur on the basis of which, case has been registered against respondents No.2 to 5 for offence under Section 323, 324, 34 of Indian Penal Code. After completion of investigation, Section 498A of I.P.C. has also been added and charge-sheet has been filed before the Court.
3. It is submitted by the counsel for the petitioner that petitioner/complainant does not want to proceed with the criminal proceedings against the respondent No.2 to 5 as she is in contact with respondents No. 2 to 5 and hopes that compromise will be arrived at. Hence as a condition precedent, she prays that criminal proceedings initiated against respondent No. 2 to 5 be quashed.
4. Petitioner – Rajni Gorakh was examined on oath before the Registry of this Court in which she has stated that negotiation for compromise is going on and she wishes to withdraw the criminal proceedings against respondent No.2 to 5 without any fear, favour or influence and willingly.
5. I have heard the learned counsel for the parties and perused all the documents placed on record.
6. Considering the submissions made and the documents placed on record, looking to the mind set of the petitioner/complainant, the fate of the case against respondent No.2 to 5 is already decided, hence continuation of trial in this case certainly would amount to abuse of process of law. Keeping in view the law laid down by the Hon'ble Supreme Court in case ***Gian Singh v. State of Punjab & Another*** reported in **(2012) 10 SCC 303**, it is a fit case to exercise inherent

jurisdiction under Section 482 of Cr.P.C. Hence this petition is allowed. Criminal proceedings against respondent No.2 to 5, pending before the Court of Judicial Magistrate First Class, Bilaspur in Criminal Case No.2312/2015 arising out of the Crime No.112/2015 for the offence under Section 498A, 323, 324, 34 of Indian Penal Code, registered at P.S. - City Kotwali, Bilaspur, District – Bilaspur is hereby quashed. The respondents No.2 to 5 are discharged.

7. Accordingly, the petition stands allowed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram