

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 60 of 2018

Chandra Vijay Bhardwaj S/o Girvar @ Gangaram Bhardwaj, Aged About 21 Years R/o Village Akhrapali, Police Station Urga, District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Urga, District Korba Chhattisgarh

2. Ku. Ashwani Kurre, D/o Amritlal Kurre, Aged About 16 Years Minor represented Through Father And Legal Guardian Amritlal Kurre, Aged About 45 Years S/o Santan R/o Boirdih Police Station Urga District Korba Chhattisgarh , District : Korba, Chhattisgarh

---- Respondents

For petitioner – Shri Vikram Dixit, Advocate.
For State- Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/01/2018

Heard.

1. Instant petition is against the order dated 18/09/2017 whereby application under section 320 (4) of Cr.P.C. was partly allowed and section 354 (A)(1) (i) of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 has been disallowed and only section 341 and 323 of IPC was compounded.
2. It appears that the trial is going under the Special Act. As has been laid down in case of **Gian Singh Vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303** it has been held that compounding of offence under section 320 of Cr.P.C. and quashing of proceedings upon settlement of dispute between the accused and victim both are different and in heinous offences compromise cannot be permitted. Since case is under the Protection of Children from Sexual Offences Act, 2012, respondent No.2 who appears to be minor even cannot give her consent for compounding.

3. In view of the same, by dismissal of the application partly with respect to the prayer not to compound the section section 354 (A)(1) (i) of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 cannot be stated to be illegal.

4. Accordingly, the petition has no merit and it is dismissed at the threshold.

Sd/-

(Goutam Bhaduri)

JUDGE