

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Cr.) No.114 of 2013

Ramnarayan Shrivasa, S/o Koda Ram Shrivasa, Aged about 27 years,  
R/o Fokatpara, Limtara, P.S. Masturi, Distt. Bilaspur (C.G.)  
---- Petitioner

Versus

1. State of Chhattisgarh, Through P.S. Masturi, Distt. Bilaspur (C.G.)
2. Smt. Rukhmani Sahu, W/o Krishna Kumar Sahu, Aged about 25 years, R/o Pahari Para, Limtara, P.S. Masturi, Distt. Bilaspur (C.G.)  
---- Respondents

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For Petitioner: Mrs. Swati Verma, Advocate.  
For Respondent No.1 / State: -  
Mr. Chandresh Shrivastava, Deputy Advocate General.  
For Respondent No.2: -  
Mr. Shashank Thakur, Advocate.

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/04/2019

1. On the complaint of Smt. Rukhmani Sahu – respondent No.2 herein, an offence punishable under Section 354 of the IPC was registered against the petitioner. During the course of trial, the petitioner and respondent No.2 filed an application under Section 320 of the CrPC, as they both have sorted out their differences and decided to maintain good relations, which was rejected by the impugned order holding that the charged offence is not compoundable.
2. Learned counsel appearing for the petitioner and learned counsel appearing for respondent No.2 submit that the parties have settled their dispute amicably and in light of the decision of the Supreme Court in the matter of Gian Singh v. State of Punjab<sup>1</sup> followed in the

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<sup>1</sup> (2012) 10 SCC 303

matter of Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another<sup>2</sup>, the criminal case be closed and proceeding be quashed.

3. I have heard learned counsel for the parties, considered their submissions and also gone through the record with utmost circumspection.
4. It is not in dispute that at the instance of respondent No.2 offence punishable under Section 354 of the IPC was registered against the petitioner in which they have filed affidavit that they are residents of same village and in order to maintain good relation, they wish to get the offence compounded.
5. In Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur (supra), the Supreme Court has held as under: -

“16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under [Section 482](#) and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.”

6. Following the principle of law laid down in Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur (supra) and considering that respondent No.2 and the petitioner both are residents of same village and they both decided to settle the dispute amicably in order to

maintain good relation and they have made statement on oath, the writ petition is allowed and the proceeding initiated against the petitioner for offence punishable under Section 354 of the IPC is hereby quashed. Parties shall bear their own costs.

Sd/-  
(Sanjay K. Agrawal)  
Judge

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