

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (CR.) No. 705 of 2019

1. Manglu Ram Chandra, S/o. Prannath Chandra, Aged About 60 Years,
2. Suresh Singh Chandra, S/o. Shri Manglu Ram Chandra, Aged About 32 Years,
3. Vijay Kumar, S/o. Manglu Ram Chandra, Aged About 22 Years,
4. Kachra Bai Chandra, W/o. Manglu Ram Chandra, Aged About 55 Years,

All are R/o. Village Sukhda, Police Station and Tahsil Dabhra, District Janjgir - Champa Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh, Through : The Station House Officer, Police Station Dabhra, District Janjgir - Champa Chhattisgarh.
2. Smt. Sonam Chandra, W/o. Shri Suresh Chandra, Aged About 21 Years, R/o. Sukhda Chowki Faguram, Police Station Dabhra, District Janjgir - Champa Chhattisgarh.

-----Respondents

For Petitioners	: Mr. Tapan Kumar Chandra, Advocate
For Respondent/State	: Mr. Roshan Dubey, Panel Lawyer
For Respondent No.2	: Mr. B.M. Roy, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/09/2019

Heard.

1. This petition under Article 226 of the Constitution of India has been filed for quashment of the FIR under Crime No.118 of 2019, dated 02.04.2019, registered at Police Station – Dabhra, District Janjgir-Champa.

2. It is submitted by the counsel for petitioners that the respondent No.2 has lodged FIR against the petitioners on account of some matrimonial dispute. The petitioners have not committed any offence, however in the later on development, compromise have been taken place between the complainant and the petitioners and on that basis, it is prayed that FIR No.118 of 2019, dated 02.04.2019, registered at Police Station – Dabhra, District Janjgir-Champa be quashed in the interest of justice.
3. State counsel opposes the petition.
4. Counsel appearing on behalf of the respondent No.2 submits that the complainant has no objection, if the relief is granted in the petition.
5. I have heard the learned counsel for the parties and perused the document placed on record.
6. The statement of the respondent No.2 has been recorded by the Additional Registrar (Judicial) pursuant to the order of this Court, in which the respondent No.2 has made clear statement that compromise has taken place and she has given her consent for compromise without any fear, favour or influence, therefore, she does not want to prosecute the petitioners.
7. The offences registered against the petitioners are under Section 323, 325, 34 and 498-A of the Indian Penal Code. Apart from the offence under Section 498-A of the Indian Penal Code, rest of the offences are compoundable in nature.

8. Pursuant to the compromise that has taken place between the parties, there appears to be no useful purpose in the prosecution of the petitioners as that would be futile exercise for the Court for the reason that there is every possibility that the prosecution will not be supported by the complainant herself. Therefore, taking into consideration the guidelines laid down by the Hon'ble Supreme Court in case of ***Gian Singh v. State of Punjab & Another*** reported in ***(2012) 10 SCC 303*** this petition deserves to be allowed. Hence, this petition is allowed. FIR registered against the petitioners under Crime No.118/2019 at P.S. - Dabhra, District – Janjgir-Champa for the offence under Section 323, 325, 34, 498-A of Indian Penal Code is hereby quashed.
9. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge