

HIGH COURT OF CHHATTISGARH, BILASPUR
NATIONAL LOK ADALAT

Judge - Lok Adalat : **Hon'ble Shri Justice Rajendra Chandra Singh Samant**
Member - Lok Adalat : **Shri Kishore Bhaduri, Sr. Advocate**

CRMP No. 826 of 2021

- Smt. Madhuri Patel W/o Shri Ganesh Ram Patel, Aged About 43 Years, Occupation Govt. Employee, Junior Engineer, CSEB, Presently Posted At H. T. Maintenance, CSPDCL, Korba District Korba Chhattisgarh (Accused)

---- **Petitioner**

Versus

1. State Of Chhattisgarh, through The Officer in Charge Of Police Station - Kusmunda, OP Hardi-Bazar, District Korba Chhattisgarh (Prosecution)
2. Ashwani Kumar Anant S/o Late Shri Reshamlal Anant, Aged About 28 Years, R/o Village Bhilai-Bazar, Police Station Kusmunda, District Korba Chhattisgarh (Complainant)

---- **Respondents**

For Petitioner	-	Shri Roop Naik, Advocate.
For State/respondent No.1	-	Shri Gurudev I. Sharan, Govt. Advocate.
For Respondent No.2	-	Shri Sanjeev Kumar Sahu, Advocate.

ORDER

(Passed on 11th September, 2021)

Heard.

1. The parties to this petition have entered into compromise according to the terms as follows:-

“The compromise has already been done between the petitioner/accused and respondent No.2/complainant, therefore, application under Section 482 of the Cr.P.C. may be allowed and FIR and criminal proceeding pending against the petitioner before learned J.M.F.C. Pali may kindly be quashed.”

2. The High Court of Delhi in the case of **Chandan Singh Vs. the State and another**, in CrI.M.C. 1105/2016 decided on 03-11-2016 held in paragraph No.5 and 6 of the said judgment that :-

“**5.** In Gian Singh v. State of Punjab (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“61. 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 proceedings or continuation of criminal proceedings would tantamount to

abuse of process of law despite settlement and compromise between the victim and the 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 the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

6. The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466. The relevant observations of the Apex Court in *Narinder Singh* (Supra) areas under:-

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1 Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2 When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3 Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4 On the other hand, those criminal cases having overwhelmingly

and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”

3. On the basis of the view as settled by the aforesaid pronouncements and also the parties who are present in person before this Court have made a statement about giving free consent for this compromise, further the offences registered against the petitioner are under Section 287, 337 and 304(A) of the IPC only, which are not offences of heinous or serious nature, therefore, this compromise application is allowed. Consequently, the prayer in the application under Section 482 of the Cr.P.C. is also allowed and the criminal prosecution initiated against the petitioner on the basis of the Crime No.79/2015 of Police Station Kusmunda, District Korba registered as Criminal Case No.133/2015 pending before the Court of J.M.F.C. Pali, District Korba is quashed.

Sd/-

(R.C.S. Samant)
Judge -Lok Adalat
High Court of Chhattisgarh
Bilaspur

Sd/-

(Kishore Bhaduri)
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur