IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2148 of 2024

BETWEEN:-

1. **NEERAJ BAGHEL S/O SHRI NATHURAM BAGHEL, AGED ABOUT 24 YEARS, R/O GRAM SUNDARPURA THANA LAHAR DISTRICT BHIND MP (MADHYA PRADESH)**

2. **HIMMAT BAGHEL S/O NATHURAM BAGHEL, AGED ABOUT 21 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)**

3. **NATHURAM BAGHEL S/O FUSU BAGHEL, AGED ABOUT 40 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)**

4. **DINESH BAGHEL S/O FUSU BAGHEL, AGED ABOUT 34 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)**

5. **MANOJ BAGHEL S/O MANNULAL BAGHEL, AGED ABOUT 28 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)**

6. **RAJESH BAGHEL S/O MANNULAL BAGHEL, AGED ABOUT 32 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI PRADEEP KATARE- ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE THANA LAHAR DISTRICT BHIND MP (MADHYA PRADESH)**

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2. VISHAMBHAR DAYAL S/O MAHADEV CHOURASIYA, AGED ABOUT 70 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)

3. AMREESH S/O VISHAMBHAR DAYAL CHOURASIYA, AGED ABOUT 30 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)

4. VIMLESH KUMAR S/O VISHAMBHAR DAYAL, AGED ABOUT 32 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)

5. RAJESH KUMAR S/O VISHAMBHAR DAYAL, AGED ABOUT 43 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)

6. AKHILESH S/O VISHAMBHAR DAYAL CHOURASIYA, AGED ABOUT 35 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)

7. MITHLESH KUMAR S/O SHRI VISHAMBHARDAYAL CHOURASIYA, AGED ABOUT 40 YEARS, R/O GRAM SUNDARPURA THANA LAHAR, DISTRICT BHIND (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI RAJEEV UPADHYAY- PUBLIC PROSECUTOR FOR RESPONDENT NO.1/STATE)
(SHRI ASHIRVAD DWIVEDI- ADVOCATE FOR RESPONDENTS/COMPLAINANT)

This application coming on for admission this day, the court passed the following:

ORDER

With consent heard finally.

1. The present petition under Section 482 of Cr.P.C. has been filed by the petitioners seeking quashment of FIR registered at Police Station Lahar, District Bhind vide Crime No.130/2020 for the offence punishable under Sections 323, 324, 294, 506, 34 and 325 of IPC as well as entire proceedings

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arising out of it.

2 . It appears that parties agreed to settle the matter and therefore, applications vide **I.A.No.960/2024 and I.A. No.961/2024** have been preferred at the instance of parties and they want to settle the matter. Application is duly signed by respective parties and same is supported by their affidavits.

3. It is submitted by learned counsel for the petitioners that initially case was registered under Sections 323, 324, 294, 506, 34 and 325 of IPC. Later on, through medical report, it was found that one of the fingers of the victim was fractured due to lathi blow by one of the accused persons, therefore, offence under Section 325 was added at time of filing of charge-sheet.

4 . The Principal Registrar of this Court has duly verified the parties, contents of application, intent and signatures of parties. Report is attached, same is perused and it appears that compromise has been reached between the parties voluntarily without any threat, inducement and coercion.

5 . Learned Panel Lawyer for the respondent No.1/State opposed the prayer and prayed for rejection of the petition.

6 . Learned counsel for the complainant argued in support of petitioners' prayer for compromise. He referred affidavit filed by the complainant and is ready to settle the matter once and for all.

7 . Heard learned counsel for the parties at length and perused the documents appended thereto.

8. A Lean Compromise is better than a Fat Law Suit, instant efforts of the parties indicate the same. It is expected that their bonafide gestures would continue.

9. The Hon'ble Supreme Court in catena of judgments **Jagdish Channa & others Vs. State of Haryana & another, AIR 2008 SC 1968, Madan**

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Mohan Abbot Vs. State of Punjab, AIR 2008 SC 1969, Shiji Vs. Radhika & Another, (2011) 10 SCC 705, Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466, B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, (2017) 9 SCC 641, laid down that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases.

10. After hearing learned counsel for the parties and taking into account the law laid down by the Apex Court, in the opinion of this Court, continuance of trial in such matter will be a futile exercise which will serve no purpose. Under such a situation, Section 482 Cr.P.C. can be justifiably invoked to prevent abuse of the process of law and wasteful exercise by the courts below.

11. To preserve the resources and bonhomie created between the parties arises out of settlement, in the interest of justice, applications for compounding the offence vide **I.A.No.960/2024 and I.A. No.961/2024** are allowed because no fruitful purpose would be served in continuation of trial. Thus, parties are permitted to compound the offences.

12. At this juncture, learned counsel for the parties submit that parties have regret for the proceedings undertaken involving the state machinery (Police, Prosecution and the Court) and for that they intend to do some national/social service by way of depositing **Rs.2,000/- (Rs. Two Thousand Only), Rs.1000/- each,** in favour of **Juvenile Justice Fund having Saving Bank Account No.60411029562 of Bank of Maharashtra, Branch**

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Govindpura, Bhopal, IFSC Code MAHB0001988 (a statutory fund created for the welfare of juveniles).

13. Resultantly, the petition is allowed. FIR registered at Crime No.130/2020 at Police Station Lahar, District Bhind for the offence punishable under Sections 323, 324, 294, 506, 34 and 325 of IPC as well as entire proceedings in furtherance thereto, if any, are hereby quashed as per the compromise arrived between the parties.

14. Petition stands **allowed and disposed of in above terms.**

15. Copy of this order be sent to the trial Court concerned for compliance.

16. Certified copy as per rules.

(ANAND PATHAK)
JUDGE

Vishal

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