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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK
ON THE 25th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 41605 of 2023**

BETWEEN:-

**SOMESHWAR SINGH BHADORIYA S/O SHRI BALRAM
SINGH BHADORIYA, AGED 48 YEARS, OCCUPATION:
BUSINESS R/O M H CHAURHA MURAR GWALIOR MP
(MADHYA PRADESH)**

.....APPLICANT

(BY MS. PRATIBHA PATHAK- ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE THANA THATIPUR DISTRICT GWALIOR
(MADHYA PRADESH)**
- 2. SMT. ANITA W/O BABULAL @ PAPPU BATHAM,
AGED 40 YEARS, R/O VILLAGE MEHRA KUBER
ASHRAM THATIPUR GWAIOR (MADHYA
PRADESH)**
- 3. LAL SINGH R/O VILLAGE MEHARA KUBER
ASHRAM , THATIPUR GWALIOR (MADHYA
PRADESH)**

.....RESPONDENTS

**(BY SHRI G.S. CHAUHAN- GOVERNMENT ADVOCATE FOR
RESPONDENT/STATE)**

**(SHRI H.K. AGRAWAL- ADVOCATE FOR RESPONDENTS NO.2 AND 3
COMPLAINANT)**

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

ORDER

With consent heard finally.

1. The present petition has been preferred by the petitioner under

Section 482 of the Code of Criminal Procedure seeking quashment of order dated 17.08.2023 passed by Special Judge, Electricity Act, District Gwalior in Case No.308/2016 S.T. and subsequent proceedings thereof on the basis of compromise.

2. It appears that parties agreed to settle the matter and therefore, applications vide **I.A.No.19044/2023 and I.A.No.19046/2023** 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. 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.

4. Learned counsel for the respondent No.1/State opposed the prayer and prayed for rejection of the petition.

5. 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.

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

7. 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.

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

9. 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.

10. To preserve the resources and bonhomie created between the parties arises out of settlement, in the interest of justice, application for compounding the offence vide **I.A.No.19044/2023 and I.A.No.19046/2023** are allowed because no fruitful purpose would be served in continuation of trial. Thus, parties are permitted to compound the offences.

11. This Court gave suggestions to the petitioner to rise to the occasion and try to make some efforts and sincere endeavors for betterment of the country and/or environment. Considering the suggestions and after due contemplation, he is ready to deposit **Rs.10,000/- (Rupees Ten Thousand Only)** in favour of Army Central Welfare Fund having A/C No.520101236373338 of Union Bank of India, Branch Chandni Chowk, Delhi-110006, IFSC Code UBIN0530778 within fifteen days from the date

of receipt of certified copy of this order.

12.Resultantly, the petition is **allowed**. order dated 17.08.2023 passed by Special Judge, Electricity Act, District Gwalior in Case No.308/2016 S.T. and subsequent proceedings thereof are hereby quashed.

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

(ANAND PATHAK)
JUDGE

Vishal

