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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 11th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 44868 of 2023**

BETWEEN:-

1. GIRAN PAL @ GIRBAR PAL S/O LATE PELURAM, AGED 59 YEARS, OCCUPATION: AGRICULTURIST, R/O VILLAGE KUNDALPUR, POLICE STATION PICHHORE, DISTRICT SHIVPURI (MADHYA PRADESH)
2. TRILOK PAL S/O GIRAL PAL, AGED 34 YEARS, OCCUPATION: AGRICULTURIST, R/O VILLAGE KUNDALPUR, POLICE STATION PICHHORE, DISTRICT SHIVPURI (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI SANJEEV KUMAR AGRAWAL - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH POLICE STATION PICHHORE DISTRICT SHIVPURI (MADHYA PRADESH)
2. RAJU @ RAJKUMAR PAL S/O SHRI VEER SINGH, AGED 36 YEARS, OCCUPATION: AGRICULTURIST, R/O VILLAGE KUNDALPUR, POLICE STATION PICHHORE, DISTRICT SHIVPURI (MADHYA PRADESH)
3. VEER SINGH PAL S/O LATE SHRI DURJAN SINGH, AGED 88 YEARS, OCCUPATION: AGRICULTURIST, R/O VILLAGE KUNDALPUR, POLICE STATION PICHHORE, DISTRICT SHIVPURI (MADHYA PRADESH)

.....RESPONDENTS

(BY SMT. ABHA MISHRA - PUBLIC PROSECUTOR FOR RESPONDENT NO.1/STATE)

(BY SHRI ALOK KUMAR SHARMA - 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

By invoking inherent power of this Court, present petition has been preferred by petitioners u/S.482 of Cr.P.C. seeking quashment of FIR bearing Crime No. 516 of 2023 registered at Police Station Pichhore, District Shivpuri (M.P.) for the offences under Sections 307, 34 of IPC and other subsequent criminal proceedings initiated therefrom on the basis of compromise.

Alongwith the petition, both the parties have filed I.A.No. 18444/2023 & I.A. No.18445/2023, stating therein that the petitioners/accused and respondents No.2 and 3 have entered into compromise and do not want to pursue the matter further.

In compliance of order dated 13/10/2023 passed by this Court, the factum of compromise has been verified by the Principal Registrar of this Court, who has recorded the statement of respondents No. 2 and 3 as well as the petitioners and has submitted the report that the parties have arrived at compromise voluntarily without any threat, inducement and coercion.

Heard learned counsel for the parties and peruse the record.

In the cases of **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**, and **Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466**, Supreme Court has 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.

In view of the above as well as case law of **Kapil Gupta Vs. State of**

NCT of Delhi and Another, [2022 SCC OnLine SC 1030] and keeping in view the fact that the petitioners and respondent no.2 have amicably settled their dispute, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting petitioners any further.

Consequently, this Court **allows** this MCRC with the following direction:-

1. FIR dated 16/09/2023 bearing Crime No. 516 of 2023 registered at Police Station Pichhore, District Shivpuri (M.P.) for the offences under Sections 307, 34 of IPC is hereby quashed.
2. All the consequential proceedings flowing out of the said FIR also stand quashed.

It is made clear that the instant FIR is being quashed only keeping in view the facts and circumstances of the present case and this order cannot be taken as a precedent on the power of High Court to exercise its jurisdiction under Section 482 of Cr.P.C. to quash an offence under section 307 of IPC on the ground that the victim and the accused have entered into a compromise.

With aforesaid, petition stands disposed of.

No order as to cost.

**(SUNITA YADAV)
JUDGE**

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