
(2013) 07 MP CK 0359
In the Madhya Pradesh High Court
Case No : M.Cr.C. No. 5396 of 2013

Ankur @ Monu Dixit

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 23-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 294, 327, 336

Citation : (2013) 07 MP CK 0359

Hon'ble Judges : Brij Kishore Dubey, J

Bench : Single Bench

Advocate : Pradeep Sharma and Party in Person, for the Appellant; F.A. Shah, Panel Lawyer for the Respondent No. 1/State, Shri Anand Purohit, Advocate for the Respondent No. 2 and Party-in-Person, Respondent No. 2, for the Respondent

Final Decision : Disposed Off

Judgement

Brij Kishore Dubey, J.—This petition u/s 482 of Cr.P.C. has been filed by the petitioner for quashing the criminal proceedings instituted against him by the respondent No. 2, Manoj Nichrele vide Crime No. 168/13 under Sections 327, 294, 336 and 506-B of IPC registered at Police Station Kotwali, District Datia. The quashment of criminal proceedings has been prayed by the petitioner on the ground of the compromise of the matter with the complainant being respondent No. 2.

2. Learned counsel for the respondent No. 2 submits that both the parties have amicably settled the subject-matter of crime amongst themselves and he has no objection for dropping the criminal proceedings pending against the petitioner. In this regard respondent No. 2 has submitted an application (I.A. No. 6639/13) alongwith affidavit dated 29.06.2013.

3. Respondent No. 2 by presenting himself before this Court also submits that now all the disputes have been settled and he does not want to continue with the criminal case initiated against the petitioner and has no objection for dropping

the criminal proceedings pending against him.

4. The Supreme Court in *Shiji @ Pappu and Others Vs. Radhika and Another*, it has been ruled that where there is no chance of recording conviction against the accused persons and the entire exercise of a trial is destined to be exercise of futility, the criminal case registered against the accused persons though it may not be compoundable can be quashed by the High Court in exercise of powers u/s 482 of Cr.P.C.

5. In view of the foregoing and having regard to the factum of compromise arrived at between the parties and in the light of law laid down by the Apex Court in the case of *Shiji @ Pappu (supra)*, the criminal proceedings pending against the petitioner, *Ankur @ Monu Dixit* vide Crime No. 168/13 under Sections 327, 294, 336 and 506-B of IPC registered at Police Station Kotwali, District Datia are ordered to be quashed.

6. This petition is disposed of accordingly.

C.C. as per rules.