
(2020) 08 MP CK 0237

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 52813 Of 2019

Anuj Mishra and others

APPELLANT

Vs

State Of M.P. & Anr.

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320(2), 482
Indian Penal Code, 1860 — Section 34, 294, 354, 354(gha)

Citation : (2020) 08 MP CK 0237

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : J.S. Rathore, Upendri Singh, Rohit Jain

Final Decision : Disposed Of

Judgement

The present petition has been preferred by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 seeking quashment of FIR registered at Crime No.557/2019 at Police Station Kampoo, Gwalior for the offence under Sections 294, 354, 354(gha), 34 of IPC on the basis of compromise.

It is the submission of counsel for the parties that they intend to enter into the compromise therefore, application under Sections 320(2) of Cr.P.C. by way of I.A. No.10349/2020 has been preferred. Parties fairly submit that they want to give peace a chance and for that they want to settle their dispute inter se. Under the direction of this Court, the factum of compromise entered into between the parties has been verified by the Principal Registrar of this Court and according to the said report, parties settled the matter and intended to compromise the matter. Further under the direction of this Court, an amount of Rs.20,000/- (by each petitioner) has already been deposited by the petitioners in favour of mobile App "Bharat Ke Veer" run by the Ministry of Home Affairs, Government of India for the welfare of the martyr of the widow. Deposit receipt of the same is on record.

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

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.

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. Further the ingredients are not so heinous, therefore, permission to compound the offence is accorded. 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.

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.10349/2020 is allowed because no fruitful purpose would be served in continuation of trial. Thus, parties are permitted to compound the offence.

Resultantly, the petition is allowed. FIR registered at Crime No.557/2019 at Police Station Kampoo, Gwalior for the offence under Sections 294, 354, 354(gha), 34 of IPC and subsequent proceedings thereto stand quashed against the petitioners. Petitioners stand discharged from all the charges.

Principal Registrar of this Court is directed to send a copy of this order to the Director General, Central Armed Police Force, CGO Complex, Lodhi Road, New Delhi, 110003 for information about the thoughtfulness of petitioners towards National Cause.

Petition stands allowed and disposed of in above terms subject to aforesaid conditions.