

(2018) 09 RAJ CK 0140

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 5803 of 2018

Dinesh Sharma @APPELLANT@Hash State of Rajasthan & Ors

Date of Decision : 25-09-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Citation : (2018) 09 RAJ CK 0140

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : R.K. Mathur, Prakash Thakuriya, Rahul Agarwal

Final Decision : Allowed

Judgement

Present petition has been filed under Section 482 Cr.P.C. praying that the proceedings pending against the petitioner in the court of Additional Judicial

Magistrate No.4, Ajmer, arising out of criminal case No.9/17 be dropped in view of order dated 14.05.2018 passed by this court in S.B. Criminal Misc.

Petition No.6834/2017.

This court on 14.05.2018 in case of co-accused Smt. Megha Jaimini in S.B. Criminal Misc. Petition No.6834/2017 had passed the following order:-

â??Instant miscellaneous petition has been preferred on behalf of petitioner under Section 482 of the Code of Criminal Procedure, 1973 praying

therein that the proceedings arising out of Criminal Case No.101/14=9/17 be dropped because of the compromise arrived at between the parties.

Mr. R.K. Mathur, Id. Senior Advocate appearing for the petitioner, has submitted that the complainant had alleged that the power-of-attorney was

forged and on the basis thereof accused-petitioner had executed sale-deed in favour of her daughter. The Id. Senior Advocate has further submitted

that during pendency of the proceedings, compromise was arrived at between

the parties, sale consideration of the plot was given to the complainant and now complainant has no grievance against the accusedpetitioner, hence, on the basis of compromise, proceedings be dropped.

The Id. Senior Advocate has contended that the compromise was presented before the revisional Court below and the said Court accepted the compromise, qua offences punishable under Sections 420 and 406 I.P.C. on the ground that said offences are compoundable. The revisional Court below upheld the cognizance taken against the accused for offence punishable under Section 120-B I.P.C. The revisional Court below further held that the offence under Section 120-B I.P.C. is not compoundable.

Today, Sushil Patni, complainant/respondent No.2 is present in person before this Court, along with his Counsel Mr. Rahul Aggarwal. Mr. Rahul

Aggarwal has identified Sushil Patni and has also vouchsafed the factum of compromise.

Sushil Patni, complainant/respondent No.2, present in person, has stated that he has received Rs. Five lakhs towards sale consideration of the plot. It is further stated that in the Civil Suit compromise has also been affected.

Mr. Rahul Aggarwal, Id. counsel appearing for the complainant/respondent No.2, on instructions from Sushil Patni, present in person, has submitted that the complainant no longer intends to pursue the present F.I.R.

Counsel appearing for the parties have also stated that the compromise has been affected in order to promote everlasting peace, amity and harmony.

The learned counsels appearing for the parties have jointly prayed that since the dispute has been amicably resolved, the criminal case pending between the partiesÂ be quashed.

I have heard the learned counsels appearing for the parties and perused the contents of the instant petitions.

It has been often held by the Courts that hour of the compromise is the finest hour between the parties and the Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. can quash the proceedings even qua non-compoundable offences.

Relying upon the case of Gian Singh Vs. State of Punjab & Another [(2012) 10 S.C.C. 303], learned counsel for the parties have pleaded that this

Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. ought to quash the criminal proceedings, which have been amicably resolved.

Considering the fact that parties have amicably resolved their dispute, the principle established by the Apex Court in the case of Gian Singh [supra]

and in the interest of justice, the present petition is allowed. The proceedings arising out of impugned order dated 03.03.2017 passed by the Judicial

Magistrate No.4, Ajmer in Criminal Case No.101/14=9/17 are dropped against the petitioner, qua offence under Section 120-B I.P.C.

The present petition stands allowed in above terms. â??

In view of order dated 14.05.2018 reproduced above, the present petition is accepted and proceedings pending against the petitioner as noted above

are dropped as petitioner is none else but father of Smt. Megha Jaimini.