
(2013) 08 MP CK 0241
In the Madhya Pradesh High Court
Case No : Mis. Cr. Case No. 5709/13

Lavnees Rathore and Another

APPELLANT

Vs

State of MP and Others

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 307, 34

Citation : (2013) 08 MP CK 0241

Hon'ble Judges : Brij Kishore Dubey, J

Bench : Single Bench

Advocate : Vikas Saxena, for the Appellant; R.K. Shrivastava, Panel Lawyer for Respondent No. 1/State and Shri Amitesh Batham, Advocate for Respondents No. 2 and 3, for the Respondent

Final Decision : Disposed Off

Judgement

Brij Kishore Dubey, J.—This petition u/s 482 of Cr. P.C. is preferred by the petitioners for quashing the criminal proceedings instituted against them by the respondent No. 2, Pramod Bhargav and the respondent No. 3, Smt. Saraswati Bai Bhargav vide Crime No. 441/12 under Sections 307 & 34 of IPC registered at Police Station, Janakganj, Lashkar, District Gwalior and the consequent criminal proceedings bearing S.T. No. 549/12 pending before VII Additional Sessions Judge, Gwalior, District Gwalior. The quashment of the criminal proceedings has been prayed by the petitioners on the ground of compromise of the matter with the respondent No. 2 being the complainant and the respondent No. 3.

2. Learned counsel for the petitioners and the respondents No. 2 and 3 jointly submits that both the parties have amicably settled the subject-matter of the crime amongst themselves and the complainant has no objection in dropping the criminal proceedings pending against the petitioners. In this regard, the respondents No. 2 and 3 have submitted I.A. No. 6885/13 along with an affidavit dated 09/07/13.

3. The respondent No. 2/complainant and the respondent No. 3 by presenting themselves before this Court also submits that they do not wish to prosecute the petitioners as they have settled all the disputes amicably with the petitioners.

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 vide Crime No. 441/12 under Sections 307 & 34 of IPC registered at Police Station, Janakganj, Lashkar, District Gwalior and the consequent criminal proceedings bearing S.T. No. 549/12 pending before VII Additional Sessions Judge, Gwalior, District Gwalior so far as it relates to the petitioners alone ordered to be quashed.

This petition is disposed of accordingly. Certified copy as per rules.