

(2021) 03 MP CK 0025

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 2383 Of 2021

Pradeep @ Kallu Gurjar And Others

APPELLANT

Vs

State Of MP And Others

RESPONDENT

Date of Decision : 04-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482

Indian Penal Code, 1860 — Section 34, 294, 323, 327, 506

Citation : (2021) 03 MP CK 0025

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : Mehmood Khan, Avneesh Singh

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

This petition under Section 482 of CrPC has been filed for quashing the FIR in Crime No. 128/2020 registered at Police Station Kampoo, District

Gwalior for the offences punishable under Sections 327, 294, 323, 506 and 34 of the IPC.

It is submitted by learned counsel for the parties that respondent No. 2/ complainant has entered into a compromise with the petitioners and, therefore,

the present petition has been filed for compounding the offence on the basis of compromise.

Along with the petition, applications I.A. Nos. 1488/2021 and 1489/2021 have also been filed by the complainant-respondent No. 2 and petitioners

respectively. The applications are duly signed by both the parties and are supported by affidavits of respective parties.

In compliance of the order dated 15/2/2021 passed by this Court, the factum of

compromise has been verified by the Principal Registrar of this Court, who has recorded statements of complainant/respondent No. 2 Hitendra Singh Yadav S/o Shri Devendra Singh as well as petitioners/accused Pradeep @ Kallu Gurjar and NIhal Singh Gurjar and has submitted a report that the parties have arrived at compromise voluntarily, without any threat, inducement and coercion. The verification report further states that as per Section 320 CrPC, the offences under Sections 323, 506 and 34 of the IPC are compoundable but under Sections 294 and 327 of IPC are not compoundable. In the light of the judgments passed by the Supreme Court in the cases of Gian Singh vs. State of Punjab, [(2012) 10 SCC 303] and Narinder Singh & Ors. vs. State of Punjab & Anr., [(2014) 6 SCC 466] , and considering the fact that the parties have resolved their dispute as well as the nature of offence which cannot be said to be an offence against the society at large, FIR registered by Police Station Kampoo, District Gwalior against petitioners Pradeep @ Kallu Gurjar and Nihal Singh Gurjar at Crime No. 128/2020 for the offences punishable under Sections 327, 294, 323, 506 and 34 of the IPC and all other consequential proceedings are hereby quashed. Petition stands allowed accordingly.