
(2020) 07 MP CK 0044

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 10454 Of 2020

Praveen Mudgal (Sharma)

APPELLANT

Vs

State Of M.P. & Anr

RESPONDENT

Date of Decision : 27-07-2020

Acts Referred:

Indian Penal Code, 1860 — Section 354, 354D, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2020) 07 MP CK 0044

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Anand Purohit, Upendri Singh, Manas Dubey

Final Decision : Disposed Of

Judgement

Heard through Video Conferencing.

Petitioner has filed this petition under Section 482 of Cr.P.C. for quashment of FIR registered vide crime No. 26/2020 registered at Police Station

Thatipur, District Gwalior for offence under Sections 354, 354-D and 506 of IPC on the basis of compromised reached between the parties.

It appears that parties agreed to settle the matter and therefore, joint applications vide I.A.No. 2329/2020 has been preferred at the instance of parties

and they want to settle the matter. The application is duly signed by respective parties and same is supported by their affidavits.

The Principal Registrar of this Court has duly verified the parties, contents of application, intent and signatures of parties. Report is attached, same is

perused and it appears that compromise has been reached between the parties voluntarily without any threat, inducement and coercion.

It is the submission of learned counsel for the parties that they want to settle the

matter and want to live peacefully because they are living in the same vicinity and they have decided not to interfere in each others existence. Looking to the relationship for future, the application for compromise be allowed.

Learned counsel for the respondent No. 1/State opposed the prayer and prayed for rejection of the petition.

Counsel for the complainant argued in support of petitioner's prayer for compromise.

Heard learned counsel for the parties.

This Court vide order dated 8/7/2020 gave suggestions to the litigating parties to rise to the occasion and try to make some efforts and sincere

endeavours for betterment of the country and environment. Considering the suggestions and after due contemplation, it appears that parties were

ready to take some positive steps towards betterment of the society and city. Therefore, petitioner himself suggested on that very date that he is ready

to deposit Rs. 5,000/- in favour of Army Central Welfare Fund having A/c No. 520101236373338 of Corporation Bank, Chandani Chowk, Delhi.

Today Petitioner informed this Court that petitioner has already deposited Rs.5,000/- in favour of Army Central Welfare Fund and receipt in this

regard has also been brought 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 196,8 Madan Mohan

Abbot Vs. State of Punjab, AIR 2008 SC 196,9 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 G, Iyan 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 64,1 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. 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 court below.

Resultantly, the application for compounding the offences vide I.A.No.2329/2020 is allowed because no fruitful purpose would be served in

continuation of trial. Thus, parties are permitted to compound the offence.

Resultantly, FIR registered vide crime No. 26/2020 registered at Police Station Thatipur, District Gwalior for offence under Sections 354, 354-D and

506 of IPC is hereby quashed and petitioner is set free from all charges.

Petition stands allowed and disposed of.

Principal Registrar of this Court is directed to send a copy of this order to the Chief of Defence Staff/ex officio Secretary to Department of Military

Affairs in Ministry of Defence, North Block, New Delhi for information purpose about the thoughtfulness of petitioner towards National Cause.

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