
(2016) 01 MP CK 0003

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 3623 of 2015

Raju Alias Rajkumar

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 04-01-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 279, 304A, 337

Citation : (2016) 1 MPWN 86

Hon'ble Judges : S.K. Seth, J.

Bench : Single Bench

Advocate : Pramod Singh Tomar, Advocate, for the Appellant; Jafar Khan, Advocate and Piyush Jain, learned PL, for the Respondent

Final Decision : Disposed Off

Judgement

S.K. Seth, J.—The applicant Raju @ Rajkumar is facing a criminal trial for the offences punishable under Sections 279, 337 and 304-A of the IPC. During the pendency of the trial, parties had arrived at a compromise and filed necessary application in that behalf before the trial Court. The trial Court simply on the ground that offence under Sections 279 and 304-A of the IPC has been registered refused to exercise the discretion in favour of the applicant. Hence, this petition under 482 of Cr.P.C. for quashing the order dated 27.10.2014 and passing appropriate order as per the rule in criminal case no.20/2012 pending in the trial Court State of M.P. v. Raju @ Rajkumar.

2. On 28.10.2015, this Court directed the parties to remain present before the Registrar (Judicial) on 02.12.2015. On 02.12.2015, parties appeared before the Registrar (Judicial) and according to this, the applicant and the complainant party have mutually settled their matter out of Court. This out of Court settlement has been verified by the Registrar (J-I).

3. On 04.12.2015, none appeared for the complainant, therefore, the case was adjourned for four weeks and that is how matter has come before this Court.

4. It is now well settled that section 482 of Cr.P.C is not controlled by section 320 of the Cr.P.C. because the power is given to the High Court to be exercised in cases where is no chance of recording the conviction against the accused and the entire exercise of the trial would be an exercise in futility. Shiji @ Pappu and others 2011 (X) HCC 704, in view of this, I allow the application and compound the offences against the applicant.

5. The applicant shall stand discharged of all the offences in connection with Crime No.741/2011 registered at Police Station Mandla District Sagar.

6. The petition stands disposed of.