
(2013) 06 MP CK 0013
In the Madhya Pradesh High Court
Case No : M.Cr.C. No. 3856 of 2013

Santosh @ Kaali Jadon and Another	APPELLANT
Vs	
State of M.P. and Another	RESPONDENT

Date of Decision : 21-06-2013

Acts Referred:

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

Citation : (2013) 06 MP CK 0013

Hon'ble Judges : Brij Kishore Dubey, J

Bench : Single Bench

Advocate : Deependra Singh Kushwah, for the Appellant; Mohd. Irshad, Panel Lawyer for the Respondent No. 1 and Shri Shailendra Singh Kushwah, Advocate for the Respondent No. 2, for the Respondent

Judgement

Brij Kishore Dubey, J.—Heard on the question of admission and I.A. No. 6102/2013, an application for compromise and compounding the offence. This petition u/s 482 of Cr. P.C. has been filed by the petitioners for quashing the criminal proceedings instituted against them by the respondent No. 2, Sanjay Singh Bhadoria vide Crime No. 264/12 u/s 307/34 of IPC registered at Police Station Hazira, District Gwalior and consequent criminal proceedings in Sessions Trial No. 508/12 pending before IV Additional Sessions Judge, Gwalior.

2. The quashment of criminal proceedings has been prayed by the petitioners on the ground of the compromise of the matter with the complainant being respondent No. 2.

3. Counsel for the respondent No. 2 submits that both the parties have amicably settled the subject matter of crime amongst themselves and he has no objection for dropping the criminal proceedings pending against the petitioners. In this regard, the complainant, Sanjay Singh has filed an affidavit dated 20.06.2013.

4. Respondent No. 2, Sanjay Singh by presenting himself before this Court also

submits that now all the disputes have been settled and he does not want to prosecute the petitioners.

5. The Supreme Court in *Shiji @ Pappu and others v. Radhika & Anr.*, 2012 Cr. L.R. (SC) 69, 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.

6. 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 pending against the petitioners vide Crime No. 264/12 u/s 307/34 of IPC registered at Police Station Hazira, District Gwalior and consequent criminal proceedings in Sessions Trial No. 508/12 pending before IV Additional Sessions Judge, Gwalior are ordered to be quashed. This petition is disposed of accordingly.