

(2018) 07 RAJ CK 0076

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 1633 of 2018

Smt. Shashi Lata Sharma @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 19-07-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 173(8), 482
Indian Penal Code, 1860 — Section 406, 420, 420B

Citation : (2018) 07 RAJ CK 0076

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Sabir Khan, M.S. Panwar, Naresh Khatri

Judgement

This criminal misc. petition under Section 482 Cr.P.C. has been filed by the petitioner with a prayer for quashing of FIR No.148/2013 of Police Station

Chhoti Sadri, District Pratapgarh for the offences punishable under Sections 406 & 420-B of IPC.

Learned counsel for the petitioner has submitted that as a matter of fact, in the impugned FIR, the police have filed charge sheet against husband of

the petitioner Chiman Lal Sharma and investigation against the petitioner and one Asutosh Upadhyaya was kept pending under Section 173(8) Cr.P.C.

In the meantime, trial was commenced against Chiman Lal Sharma and after completion of the trial, the Additional Chief Judicial Magistrate, Chhoti

Sadri, District Pratapgarh has acquitted Chiman Lal Sharma vide judgment dated 07.04.2016 for the offences punishable under Sections 406 and 420

of IPC.

It is submitted that after acquittal of Chiman Lal Sharma, the matter has been compromised between the complainant-Pankaj Kumar and the

petitioner.

It is submitted that in view of the fact that Chiman Lal Sharma has already been acquitted and the matter has been compromised between the

respondent No.2 and the petitioner, there is no point in continuing with the investigation against the petitioner and, therefore, the impugned FIR qua the petitioner be quashed.

Learned counsel for the respondent No.2 has also confirmed that after acquittal of Chiman Lal Sharma, the matter has been compromised between

the respondent No.2 and the petitioner and now the respondent No.2 does not want to press the charges against the petitioner and, therefore, he has

no objection if the investigation against the petitioner in connection with the FIR No.148/2013 of Police Station Chhoti Sadrai, District Pratapgarh be

terminated.

After hearing the learned counsel for the parties, this Court is of the opinion that the petitioner and the respondent No.2 may appear before the

Investigating Officer who is investigating into the allegations levelled in the impugned FIR No.148/2013 of Police Station Chhoti Sadrai, District

Pratapgarh on or before 07.08.2018 and apprise him about the factum of compromise arrived at between them and about the acquittal of Chiman Lal

Sharma by the trial court in the very same criminal case.

The Investigating Officer shall verify the compromise arrived at between the petitioner and the respondent No.2 after taking into consideration the

factum of acquittal of Chiman Lal Sharma and submit the factual report on the next date of hearing.

List on 16.08.2018.

Till next date, no coercive action shall be taken against the petitioner.