
(2010) 10 RAJ CK 0008

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 1774 of 2010

Surendra Yadav and Others

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 04-10-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 323, 341

Citation : (2011) 2 RLW 1498

Hon'ble Judges : M.C. Sharma, J

Bench : Single Bench

Judgement

Mahesh Chandra Sharma, J.—The Petitioners 1 to 6, who are accused in FIR No. 81/2010 registered at Police Station Shiprapath, Jaipur City (East) for the offence under Sections 323, 341 and 147 IPC, filed by Rikesh Kumar, complainant non-Petitioner No. 2, filed this misc. Petition for quashing the order dated 7.5.2010 of ACJM No. 11 Jaipur City. It has been given out in the Petitioner that the Petitioners and the complainant have entered into a compromise and the same was filed before the trial Court. The trial Court accepted the compromise in respect of the offences under Sections 323 and 341 IPC but so far as offence u/s 147 IPC is concerned, the trial Court directed for proceeding against the accused Petitioners 1 to 6 by its order dated 7.5.2010. This misc. Petition has been filed against this order of the trial Court refusing to accept the compromise in respect of the offence u/s 147 IPC. The learned Counsel for the Petitioners submitted that the compromise filed by the Petitioners and the complainant should be considered in toto. There remains nothing against the accused Petitioners once a compromise has been filed between the Petitioners and the complainant. The Public Prosecutor opposed this argument.

2. I have considered the arguments of the accused Petitioners and the Public Prosecutor. The trial Court accepted the compromise in respect of the offence under Sections 323 and 341 IPC but in respect of Section 147 IPC, the trial Court directed for proceeding against the accused Petitioners. Since the Petitioner and

the complainant, who are present in person before this Court also and both parties pray for compromise in the matter, this petition for compromise of the criminal case u/s 147 IPC, also deserves to be accepted. The proceedings pending against the accused Petitioners for Section 147 IPC before the trial Court is quashed on account of compromise.

3. For these reasons this misc. Petition is disposed of and the order of the trial Court dated 7.5.2010 refusing to accept compromise u/s 147 IPC is quashed and the proceedings pending against the accused Petitioners u/s 147 IPC in Criminal Case No. 399/2010 pending before the ACJM No. 11 Jaipur City Jaipur are also quashed on account of compromise. The stay application also stands disposed of.