

(2013) 07 MP CK 0034
In the Madhya Pradesh High Court
Case No : Mis. Cr. Case No. 5324/13

Vivek Singh Bhumihar

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 384, 420

Citation : (2013) 07 MP CK 0034

Hon'ble Judges : Brij Kishore Dube, J

Bench : Single Bench

Advocate : Pradeep Katare, for the Appellant; Kuldeep Singh, Panel Lawyer for Respondent No. 1/State, Shri S.S. Kushwah, Advocate for Respondent No. 2/ Complainant, Smt. Sunita Jain is Present in Person who Has Been Identified by her Counsel for Respondent No. 2 and Shri Kushwah, for the Respondent

Final Decision : Disposed Off

Judgement

Brij Kishore Dube, J.—This petition u/s 482 of Cr.P.C. is preferred by the petitioner for quashing the criminal proceedings instituted against him by the respondent No. 2, Smt. Sunita Jain vide Crime No. 260/13 under Sections 420 and 384 of IPC registered at Police Station, Gole Ka Mandir, District Gwalior and the consequent criminal proceedings bearing Criminal Case No. 5008/13 pending before the Chief Judicial Magistrate, Gwalior. The quashment of the criminal proceedings has been prayed by the petitioner on the ground of compromise of the matter with the complainant, Smt. Sunita Jain being the respondent No. 2.

2. Learned counsel for the parties submits that both the parties have amicably settled the subject-matter of the crime amongst themselves and the complainant has no objection in dropping the criminal proceedings pending against the petitioner. In this regard, the complainant, Smt. Sunita Jain (respondent No. 2) has submitted I.A. No. 6479/13 alongwith an affidavit dated 01/07/2013.

3. The respondent No. 2/complainant by presenting herself before this Mis. Cr.

Case No. 5324/13 (Vivek Singh Bhumihar Vs. State of M.P. anr.) Court also submits that she does not wish to prosecute the petitioner as she has settled all the disputes amicably with the petitioner.

4. The Supreme Court in *Shiji @ Pappu and Others Vs. Radhika and Another*, 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.

5. 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 vide Crime No. 260/13 under Sections 420 and 384 of IPC registered at Police Station, Gole Ka Mandir, District Gwalior and the consequent criminal proceedings bearing Criminal Case No. 5008/13 pending before the Chief Judicial Magistrate, Gwalior ordered to be quashed. The petitioner is reported to be in jail, therefore, he be set at liberty if not required in any other criminal case. This petition is disposed of accordingly.