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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 2nd OF DECEMBER, 2022**

MISC. CRIMINAL CASE No. 24455 of 2022

BETWEEN:-

RAKESH KUMAR SHIVHARE S/O LATE MADAN LAL SHIVHARE, AGED ABOUT 60 YEARS, OCCUPATION: SHOPKEEPER M 216 MADHO NAGAR (MADHYA PRADESH)

.....PETITIONER

(BY MR. HARDAYESH KUMAR SHUKLA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION PS INDERGANJ (MADHYA PRADESH)**
- 2. NEERAJ KUMAR GUPTA S/O LATE SHRI SANT KUMAR GUPTA, AGED ABOUT 41 YEARS, 302, BEENA APARTMENT, ASHOK BIHAR COLONY, TANSEN ROAD (MADHYA PRADESH)**

.....RESPONDENTS

(MR. NITIN GOYAL - PANEL LAWYER FOR RESPONDENT NO. 1 - STATE AND MR. ABHISHEK PARASHAR - ADVOCATE FOR RESPONDENT NO. 2)

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This application coming on for Admission this day, the court passed the following:

ORDER

By invoking inherent power of this Court, present petition has been preferred by petitioner u/S.482 of Cr.P.C. seeking quashment of FIR bearing Crime No. 570 of 2021 registered at Police Station Inderganj, District Gwalior (M.P.) for the offences under Section 308 of IPC and other subsequent criminal proceedings initiated therefrom.

Alongwith the petition, both the parties have filed IA Nos. 11326 of 2022 and 11328 of 2022, stating therein that the dispute between the parties has been resolved and they have entered into compromise with no intention to pursue the matter further.

In compliance of order dated 01/08/2022 passed by this Court, the factum of compromise has been verified by the Principal Registrar of this Court, who has recorded the statements of complainant - respondent No. 2 as well as petitioner - accused and has submitted a report dated 05/08/2022 that the parties have arrived at compromise voluntarily without any threat, inducement and coercion. The verification report further states that as per Section 320 of CrPC, offence under Section 308 of the I.P.C is not compoundable.

In the cases of **Jagdish Channa & others Vs. State of Haryana & another (AIR 2008 SC 1968)**, **Madan Mohan Abbot Vs. State of Punjab (AIR 2008 SC 1969)**, **Shiji Vs. Radhika & Another (2011) 10 SCC 705**, and **Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466**, Supreme Court has laid down that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the Court can be saved and utilised in other material cases.

In view of the above facts and circumstances and taking into account the law laid down by Hon'ble Apex Court, in the opinion of this court, continuance of the prosecution in such matters will be a futile exercise which will serve no purpose. Under such a situation, Section 482 Cr.P.C. can be justifiably invoked to prevent abuse of the process of law and wasteful exercise by the courts below.

Considering the fact that the respondent No. 2 - complainant and

petitioner - accused have amicably resolved the issue, this Court **allows** this MCRC with the following direction:-

1. FIR dated 16/10/2021 bearing Crime No.570 of 2021 registered at Police Station Inderganj, District Gwalior (M.P.) for the offence under Section 308 of IPC against the petitioner is hereby quashed.
2. All the consequential proceedings flowing out of the said FIR also stand quashed.

Petition stands disposed of. No order as to cost.

AKS



(SUNITA YADAV)
JUDGE