

1
**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. 53227 of 2022

BETWEEN:-

**RAJARAM AHIRWAR S/O SHRI HALKU AHIRWAR,
AGED ABOUT 46 YEARS, VILLAGE SILWARA KALAPOST
ACHALGARH (MADHYA PRADESH)**

.....PETITIONER

(BY MR. ANAND PUROHIT - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE THANA
CHANDERI (MADHYA PRADESH)**
- 2. VIJAY SINGH S/O HARIRAM LODHI, AGED ABOUT
38 YEARS, OCCUPATION: KRASHI GRAM AAKET
(MADHYA PRADESH)**

.....RESPONDENTS

***(MR. V.P.S. TOMAR - PANEL LAWYER FOR RESPONDENT NO. 1 - STATE
AND MR. VIJAY KUMAR JHA - ADVOCATE FOR RESPONDENT NO. 2 -
COMPLAINANT)***

.....

*This application coming on for settlement 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.485 of 2014 registered at Police Station Chanderi, District Ashoknagar (M.P.) for the offences under Sections 420, 467, 468, 471 and 120-B read with 34 of IPC and other subsequent criminal proceedings initiated therefrom.

Alongwith the petition, both the parties have filed IA Nos. 17202 of 2022 and 17203 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 29/11/2022 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 - petitioner as well as respondents No. 2 - accused and has submitted a report dated 01/12/2022 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, offences under Sections 467, 468, 471 and 120-B r.w. Section 34 of IPC are 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 petitioner - complainant and respondents No. 2 - accused have amicably resolved the issue, this Court **allows** this MCRC with the following direction:-

1. FIR dated 08/11/2014 bearing Crime No.485 of 2014 registered at Police Station Chanderi, District Ashoknagar (M.P.) for the offence under Sections 420, 467, 468, 471 and 120-B read with 34 of IPC against respondent No.2 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**