

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

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 15th OF MAY, 2024

MISC. CRIMINAL CASE No. 13499 of 2024

BETWEEN:-

**RAHUL GURJAR S/O LATE SHRI BHURA GURJAR, AGED
25 YEARS, OCCUPATION : PRIVATE WORK, DIPO
BAMAURKHURD MORENA DISTRICT MORENA
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI S.K.KHARE - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION PAWAI DISTRICT BHIND
(MADHYA PRADESH)**
- 2. ABHIYOKTRI D/O SHRI JASRATH SINGH S/O SHRI
RAHUL GURJAR, AGED 18 YEARS, OCCUPATION :
HOUSEWORK, BAMAURKHURD, DISTRICT
MORENA (MADHYA PRADESH)**

.....RESPONDENTS

**(BY SHRI ROHIT MISHRA - ADDITIONAL ADVOCATE GENERAL FOR
RESPONDENT NO.1/STATE)**

(BY SHRI UPENDRA SHARMA - ADVOCATE FOR RESPONDENT NO.2)

.....
*This petition coming on for hearing 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.13/2023 registered at Police Station Pawai, District Bhind (M.P.) for the offences under Sections 363, 376 of IPC and Section 3/4 of POCSO Act arising out of Session Trial No.105/2023 and other subsequent criminal

proceedings initiated therefrom on the basis of compromise.

Alongwith the petition, both the parties have filed I.A. No. 6610/2024 and I.A.No. 6611/2024 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 24.04.2024 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 /prosecutrix - respondent No.2 as well as petitioner /accused and has submitted the report that the parties have arrived at compromise voluntarily without any threat, inducement and coercion.

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 complainant/prosecutrix- respondent No.2 and petitioner/accused have amicably resolved the issue, this Court allows this

MCRC with the following direction:-

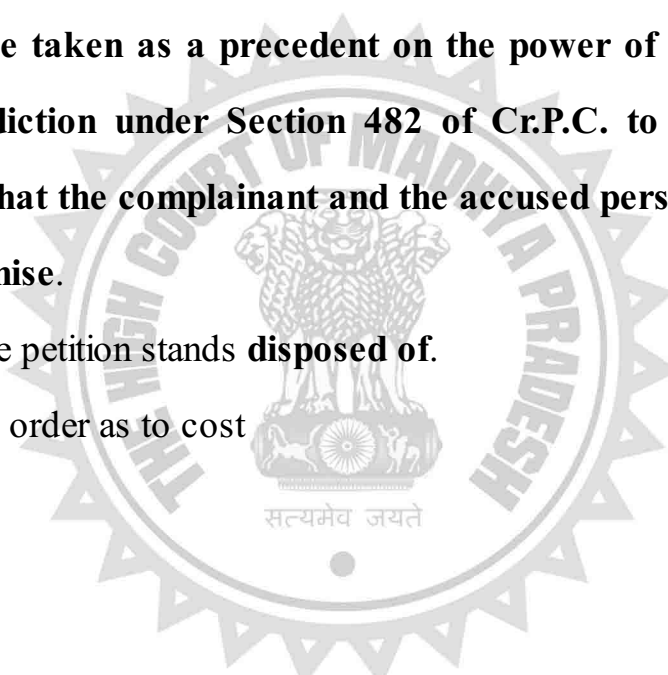
1. FIR bearing Crime No.13/2023 registered at Police Station Pawai, District Bhind (M.P.) for the offences under Sections 363, 376 of IPC and Section 3/4 of the POCSO Act arising out of Session Trial No.105/2023 against the petitioner is hereby quashed.

2. All the consequential proceedings flowing out of the said FIR also stand quashed.

It is made clear that the instant FIR is being quashed only keeping in view the facts and circumstances of the present case and this order cannot be taken as a precedent on the power of High Court to exercise its jurisdiction under Section 482 of Cr.P.C. to quash an FIR on the ground that the complainant and the accused persons have entered into a compromise.

The petition stands **disposed of**.

No order as to cost



**(SUNITA YADAV)
JUDGE**

AK/-