

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

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 13th OF SEPTEMBER, 2024

MISC. CRIMINAL CASE NO. 23662 of 2024

SUBHASHCHAND GUPTA & ORS.

Vs.

STATE OF MADHYA PRADESH & ORS.

APPEARANCE:

Shri Abhishek Chauhan – Advocate on behalf of Shri Manas Dubey – Advocate for the petitioners.

Shri Vijay Sundaram – Public Prosecutor for respondent No.1/State.

Shri Rajiv Upadhyay – Advocate on behalf of Shri Kapil Singhal – Advocate for respondents No.2&3.

ORDER

1. The present petition under Section 482 of Cr.P.C. has been filed by the petitioners seeking quashment of FIR registered at Crime No.432/2018 at Police Station Kotwali District Bhind for offence under Sections 306 and 34 of IPC and consequential criminal proceedings bearing S.T.No.22/2019 pending against the petitioners on the basis of compromise.
2. It appears that parties agreed to settle the matter and therefore, applications vide I.A.No.11227/2024 and I.A. No.11228/2024 have been preferred at the instance of parties and they want to settle the matter. Applications are duly signed by respective parties and same are supported by their affidavits.

3. The Principal Registrar of this Court has duly verified the parties, contents of applications, intent and signatures of parties. Report is attached, same is perused and it appears that compromise has been reached between the parties voluntarily without any threat, inducement and coercion.
4. Learned counsel for respondent No.1/State opposed the prayer and prayed for rejection of the petition.
5. Learned counsel for the complainant argued in support of petitioners' prayer for compromise. He referred affidavit filed by the complainant and is ready to settle the matter once and for all.
6. Heard learned counsel for the parties at length and perused the documents appended thereto.
7. **A Lean Compromise is better than a Fat Law Suit**, instant efforts of the parties indicate the same. It is expected that their bonafide gestures would continue.
8. The Hon'ble Supreme Court in catena of judgments **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, Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466, B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, (2017) 9 SCC 641**, 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 utilized in other material cases.

9. After hearing learned counsel for the parties and taking into account the law laid down by the Apex Court, in the opinion of this Court, continuance of trial in such matter will be a futile exercise which will serve no purpose. Parties are family members, they have settled the matter and decided to live peacefully. 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.
10. Thus, in the interest of justice, application for compounding the offence vide I.A.No.11227/2024 and I.A. No.11228/2024 are allowed because no fruitful purpose would be served in continuation of trial. Thus, parties are permitted to compound the offences.
11. *Resultantly*, the petition is allowed. FIR registered at Crime No.432/2018 at Police Station Kotwali District Bhind for offence under Sections 306 and 34 of IPC and consequential criminal proceedings bearing S.T.No.22/2019 are hereby quashed against the petitioners on the basis of compromise.
12. As per the expression and interest, petitioners are directed to deposit **Rs.10,000/- in favour of Army Central Welfare Fund having A/C No.520101236373338 of Union Bank of India, Chandani Chowk Delhi, IFSC Code UBIN0530778**

within 10 days from today.

13. Principal Registrar of this Court is directed to send a copy of this order to the **Chief of Defence Staff/Ex-officio Secretary to the Department of Military Affairs in Ministry of Defence, North Block New Delhi** for information purpose about the thoughtfulness of petitioners towards National Cause.
14. Petition stands **allowed and disposed of** in above terms subject to aforesaid conditions.
15. Copy of this order be sent to the trial Court concerned for compliance.
16. Certified copy as per rules.

(ANAND PATHAK)
JUDGE

Anil*