

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 175 of 2022

1. Dhananjay Singh @ Dhanjay Singh, aged about 29 years, Son of Late Guddu Singh
 2. Phekni Devi @ Fekni Devi @ Tara Devi, aged about 49 years, wife of Late Guddu Singh
 3. Mathur Singh @ Mathur Ghatwar @ Madhur Singh, aged about 57 years, Son of Aghnu Ghatwar
 4. Phangi Devi @ Fungi Devi @ Fongi Devi, aged about 55 years, Wife of Mathur Singh @ Mathur Ghatwar @ Madhur Singh
 5. Bablu Singh, aged about 27 years, Son of Khedu Singh, all the resident of Village Pachora, Sector-9, P.O. Baidmara, P.S. Harladih, Dist. Bokaro, Jharkhand
- ... Petitioners**

-Versus-

1. The State of Jharkhand
 2. Jira Devi @ Nunivala Devi, wife of Dhananjay Singh @ Dhanjay Singh, Resident of Village- Pachora, Sector-9, P.O. Baidmara, P.S. Harladih, Dist.- Bokaro, Jharkhand
- ... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	: Mr. Santosh Kumar Soni, Advocate
For the Opposite Party-State	: Mr. P.D. Agrawal, Spl.P.P.
For Opposite Party No.2	: Mr. Santosh Kumar, Advocate

04/28.04.2022. Heard Mr. Santosh Kumar Soni, learned counsel for the petitioners, Mr. P.D. Agrawal, learned counsel for the State and Mr. Santosh Kumar, learned counsel for opposite party no.2.

2. This petition has been filed for quashing of the FIR including the order taking cognizance dated 05.09.2017 passed by the learned Sub Divisional Judicial Magistrate, Bermo at Tenughat in connection with Kasmar P.S. Case No.98 of 2016, G.R. No.1216 of 2016, pending in the court of the learned Sub Divisional Judicial Magistrate, Bermo at Tenughat.

3. Mr. Santosh Kumar Soni, learned counsel for the petitioners submits that the petitioners are relatives of the informant. He further submits that now the petitioner no.1 has married with opposite party no.2. He also submits that the case has been compromised between the parties and now they reside happily and living conjugal life peacefully.

4. Mr. Santosh Kumar has appeared *suo motu* on behalf of opposite party no.2 and submits that he has filed counter affidavit. He further submits that there is compromise between the parties and opposite party no.2 does not want to pursue the instant case for her better future with the petitioners.

5. Mr. P.D. Agrawal, learned counsel for the State submits that compromise is there and averment to that effect has been made in paragraph 11 of the petition.

6. In view of the above facts and considering the submission of the learned counsel for the parties, it transpires that the dispute between petitioner no.1 and opposite party no.2 has now been settled and the case has been compromised and they are living conjugal life happily. There is no societal interest involved in this petition and to allow the case to proceed in the court below, will amount to abuse of process of law. There is no chance of conviction in view of the compromise. The law is well settled in this regard as held by the Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab & Anr.*** reported in ***(2012) 10 SCC 303*** and in the case of ***Narinder Singh & Ors. Versus State of Punjab & Anr.***, reported in ***(2014) 6 SCC 466***. It is a fit case to exercise power under Section 482 Cr.P.C.

7. Accordingly, the FIR including the order taking cognizance dated 05.09.2017 passed by the learned Sub Divisional Judicial Magistrate, Bermo at Tenughat in connection with Kasmar P.S. Case No.98 of 2016, G.R. No.1216 of 2016, pending in the court of the learned Sub Divisional Judicial Magistrate, Bermo at Tenughat is, hereby, quashed.

8. This petition is, therefore, allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/