

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 747 OF 2016

1. Pankaj Rai S/o Shri Mulchand Rai, aged about 38 years, R/o village Chichgohna, PO and PS Marwahi, Tehsil Marwahi, District Bilaspur (CG).

---- Petitioner

Versus

1. Flora Jyotsana Lal D/o Shri DM Lal, aged about 46 years, village Shekhwa, PO & PS Kotmi, Tehsil Marwahi, District Bilaspur (CG).
2. State of Chhattisgarh through Officer in charge, PS Marwahi, District Marwahi, District Bilaspur (CG).

... Non-applicants

For Petitioner	:	Shri Kshitiz Sharma, Advocate.
For Non-applicant No.1	:	Shri Vivek Chopra, Advocate.
For respondent/State	:	Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

25/07/2016

1. The present petition under Section 482 CrPC has been preferred by the Applicant, who is the accused person, seeking for quashment of the FIR No.69 of 2016 which has been lodged at Police Station Marwahi, Distt. Bilaspur by the respondent No.1 on 16.04.2016.
2. Learned counsel for the Applicant submits that immediately after the complaint was filed by the respondent No.1, the parties have arrived at a compromise and the complainant did not intend to prosecute the Applicant any further, and therefore, prays for quashment of FIR and the proceedings drawn on the said FIR.
3. Today, the respondent No.1 along with her counsel is present before the court and has made a categorical statement that she has entered into

compromise with the applicant and has resolved the disputes amicably and as such she does not intend to further prosecute the issue which is pending consideration. An affidavit in this regard is also filed by the respondent No.1/Complainant.

4. Learned counsel for the State, in turn, submits that the State has no objection in case if the matter is disposed of by quashing further proceeding in the FIR as the parties have already entered into compromise.

5. In view of the categorical statement made by the complainant as well as the accused/applicant, this Court is of the opinion that once when the complainant and the accused have settled their matter and buried the dispute and differences, it would be an important consideration for the High Court while exercising the powers under Section 482 CrPC to quash the FIR/further proceedings. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of Narinder Singh & Others Vs. State of Punjab & Another [2014 (6) SCC 466], wherein it has been held as under :

“29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation.....”

6. In view of the statement made by the complainant and the accused person and also keeping in view the law laid down by the Supreme Court in the case of Narinder Singh (supra), this Court is of the opinion that it is a fit case where the FIR/criminal proceedings be quashed.

7. Accordingly, the present petition under Section 482 CrPC is allowed. The FIR No.69 of 2016 dated 16.04.2016 and all further proceedings arising of it stands quashed so far as it relates to applicant, and the applicant, who is the accused person in that case, stands discharged from the offence and further proceedings.

Sd/-
(P. Sam Koshy)
Judge