

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.950 of 2016**

1. Chhabilal Verma S/o Dashrath Lal Aged About 27 Years R/o Village Ghorbhatti, Police Station Kharora, Civil And Rev. Distt. Raipur Chhattisgarh.
2. Dashrath Lal S/o Punau Ram Verma Aged About 65 Years R/o Village Ghorbhatti, Police Station Kharora, Civil And Rev. Distt. Raipur Chhattisgarh.
3. Smt. Pancho Bai S/o Dashrath Aged About 60 Years R/o Village Ghorbhatti, Police Station Kharora, Civil And Rev. Distt. Raipur Chhattisgarh.
4. Memin Bai W/o Ram Singh Verma Aged About 35 Years R/o Village Kanki, Police Station Kharora, Civil And Rev. Dist. Raipur Chhattisgarh.
5. Dulari Bai W/o Ogeshwar Aged About 30 Years R/o Village Kanki, Police Station Kharora, Civil And Rev. Dist. Raipur Chhattisgarh.
6. Dularin Bai W/o Ideshar Verma Aged About 30 Years R/o Village Khona, Police Station Dharsiwa, Civil And Rev. Distt. Raipur Chhattisgarh.
7. Lalita Bai W/o Ajay Singh Verma Aged About 40 Years R/o Village Gouriya Para Bemetara, Police Station Bemetara, Civil And Rev. District Bemetara, Chhattisgarh.

---- Petitioners**Versus**

1. Gangotri Bai W/o Chhabilal Verma Aged About 25 Years R/o Gali No. 25 Satsang Bhawan, Near Shiv Mandir Gurugovind Singh Ward, Pendari, Raipur, District Raipur Chhattisgarh.
2. State of Chhattisgarh Through The Station House Officer, Police Station Kharora, District Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Shri RK Pali, Advocate.
For Respondent No.1	:	Shri Atanu Ghosh, Advocate.
For Respondent No.2/State	:	Shri Bhaskar Pyasi, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/10/2016**

1. The present petition under Section 482 CrPC has been preferred by the petitioners, who are the accused persons, seeking for quashment

of Criminal Case No. 358/2010 arising out of FIR No.264 of 2010 which has been lodged at Police Station Kharora, Distt. Raipur, by the respondent No.1 on 29.06.2010.

2. Learned counsel for the petitioners submits that immediately after the complaint was filed by the respondent No.1, the parties have arrived at a compromise and the complainant does not intend to prosecute the Applicants any further. 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 petitioners and has resolved the disputes amicably and as such she does not intend to further prosecute the issue which is pending consideration and wants the matter to be closed once and for all.
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/petitioners, 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 persons 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.264 of 2010 dated 29.06.2010 and further proceedings arising of it i.e. Criminal Case No. 358/2010 stands quashed so far as it relates to petitioners. The petitioners, who are the accused persons in that case, stand discharged from the offence and further proceedings.

Sd/-
(P. Sam Koshy)
Judge