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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 946 of 2017**

Ashish Singh Thakur S/o Shri Krishna Pratap Singh Thakur, R/o Deendayal Colony, Patel Gali, Jagatpur, Raigarh, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Raigarh, District Raigarh, Chhattisgarh
2. Gopinath Mehar S/o Late Kewatram Mehar, Aged About 60 Years R/o Koshtapara, Palace Road, Raigarh, District Raigarh, Chhattisgarh (Complainant)
3. Pradeep Singh Thakur S/o Sunderlal Singh Thakur, Aged About 34 Years R/o Kabir Chowk, Beema Colony, Raigarh, Tahsil & District Raigarh, Chhattisgarh (Complainant)

---- Respondents

For the Petitioner	: Shri Sanjay Kumar Agrawal, Advocate.
For Respondent No.1/State	: Shri Anil S. Pandey, Government Advocate.
For Respondents No.2 & 3	: Shri Tridib Bhattacharya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.08.2017**

1. Heard.
2. In compliance of order dated 2.8.2017, the statement of the petitioner and respondent No.2 has been recorded. Respondent No.2 – Gopinath Mehar is the complainant in this case. He has stated that the dispute with the petitioner has been resolved by compromise and the petitioner has refunded the amount advanced to him and as such, prayer has been made for terminating the criminal proceedings against the petitioner. Statement of respondent No.3 – Pradeep Singh Thakur, another complainant, has not

been recorded, but he was present in the previous date and his appearance is reflected from the signature on the order-sheet.

3. On the First Information Report lodged by respondents No.2 and 3, a case under Section 420 of the Indian Penal Code was registered against the petitioner which was under investigation in Police Station Kotwali, Raigarh. The dispute between the parties is that the petitioner and the respondents had entered into an agreement for sale of land and that the petitioner had breached the agreement and refused to return the amount advanced by respondents No.2 and 3.

4. Considering the facts and circumstances of the case and the compromise arrived at between the parties and the case being still under investigation, if the investigation and further proceeding is allowed to continue that may result in abuse of process of law. Hence, it is a fit case to exercise inherent jurisdiction by this Court. Accordingly, this petition is allowed. The criminal proceedings based on First Information Report bearing Crime No. 251 of 2017 at police station Kotwali, Raigarh against the petitioner are hereby quashed.

5. In view of above, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge