

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1322 of 2017

- Rattu Mishra S/o Late Ramshiromani Mishra, Aged About 42 Years
R/o Jabdapara, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh. ----
Petitioner

Versus

1. State of Chhattisgarh through the Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
2. Samit Kumar Chakraborty S/o P.K. Chakraborty, Aged About 45 Years
R/o Ashok Vihar, Phase 1, House No. 48, Chantidih, Police Station Sarkanda, District Bilaspur, Chhattisgarh. (Complainant)
Respondents

For Petitioner	:	Mr. Goutam Khetrapal, Advocate
For the State	:	Mr. Ashish Shukla, G.A.
For Respondent No.2	:	Mr. Vikas Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/11/2017

1. The petitioner has filed this petition u/s 482 of the Code of Criminal Procedure seeking quashment of FIR No.416/2016 registered at Police Station Sarkanda, Bilaspur for the offence punishable u/s 342, 327, 294 & 506 read with section 34 of IPC.
2. Learned counsel for the petitioner contends that the dispute arose out of a monetary transaction which took place on 29.05.2016 and the complaint was made by respondent No. 2 on which the FIR was registered. He submits that thereafter the compromise has been effected between the parties and

the complainant himself has stated that he do not want prosecute his complaint against the petitioner as amicable settlement has been arrived between them and the respective statements of the parties were recorded.

3. Learned counsel for the petitioner has placed reliance in *(2014) 6 SCC 466 Narinder Singh & others Vs. State of Punjab & another* and *(2014) 15 SCC 235 Gold Quest International Private Limited Vs. State of Tamil Nadu & others* and further the judgment of the Supreme Court passed in Criminal Appeal No. 1723 of 2017 (PRABATBHAI AAHIR 2 PARBATBHAI BHIMSINGHBHAI KARMUR Vs. STATE OF GUJRAT @ arising out of SLP (CRL) No. 9549 of 2016 decided on October 4, 2017 and would submit that since the dispute is of civil nature, therefore, the FIR may be quashed.
4. Counsel for the respondent No. 2 submits that there was a monitory transaction between the parties and the parties have settled the dispute, therefore, he do not want to press the FIR. Accordingly, the FIR bearing No. 416/2016 may be quashed. Learned State counsel do not object the same.
5. The record would show that the statement of the petitioner and the statement of the complainant were recorded. The statement of complainant would show that compromise has been effected and the same is without any fear or pressure therefore, he do not want to further prosecute the FIR No. 416/2016 registered at Police Station- Sarkanda, Bilaspur.

6. Considering the submissions made and the principles laid down in *(2014) 15 SCC 235 (supra)* as also the fact that the parties have entered compromise which is also not objected by the counsel for the complainant, I am inclined to quash the FIR.
7. Accordingly, the FIR No. 416/2016 registered at Police Station Sarkanda, Bilapsur is quashed. In the result, the petition is allowed.

Sd/-
GOUTAM BHADURI
JUDGE