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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 591 of 2018

- Imran Ali @ Karim S/o Late Munavvar Ali, Aged About 27 Years, R/o Irani Dera Pandri Police Station Civil Line Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Chandrashekhar Dhruwa @ Chandu S/o Late Pardesi Dhruwa Aged About 29 Years R/o In Frount Of Khanuja Bhawan Naharpara Station Road Raipur Police Station Ganj Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Shobhit Somvansi S/o Chandrakumar Somvansi Aged About 21 Years R/o Behind Deshbandhu School Station Road Ganjpara P.S. Ganj District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Sahnawaj Ahmad @ Sonu S/o Late Salim Ahmad Aged About 30 Years R/o Beside Hotel Grand International Ganjpara P.S. Ganj District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Ankur @ Simpa Tiwari S/o Shiv Prasad Tiwari Aged About 28 Years R/o Naharpara, Station Road Thana Ganj District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

CRMP No. 1296 of 2018

1. Shobhit Somavansi S/o Chandrakumar Somvansi, Aged About 21 Years, R/o Behind Deshbandhu School Station Road Ganjpara, P.S. Ganj, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Sahnawaj Ahmad @ Sonu S/o Late Salim Ahmad, Aged About 30 Years, R/o Beside Hotel Grand International Ganjpara, P.S. Ganj, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Ankur @ Simpa Tiwari S/o Shiv Prasad Tiwari, Aged About 28 Years, R/o Naharpara Station Road P.S. Ganj, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Imaran Ali @ Karim S/o Late Munavvar Ali, Aged About 27 Years, R/o Irani Dera Pandari, P.S. Civil Line Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner(s) – Shri Surfaraj Khan, Advocate (in CRMP No.591/2018),
Shri Harshwardhan Jaiswal, Advocate (in CRMP No.1296/2018)

For Respondent No.1/State – Shri Anupam Dubey, Deputy Govt. Advocate.
For Respondents 2 to 5 – Shri Harshwardhan Jaiswal and Naveen Yadav,
Advocates (in CRMP No.591/2018)

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-09-2018

1. As both these petitions arise out of the same crime number, i.e., Crime No.599/2013 registered at P.S. Civil Lines, Raipur for the offence under Section 294,323, 506, 365, 34 of the IPC, they are being decided by this common order.
2. The petitions have been brought under Section 482 of the Cr.P.C.praying for quashment of the proceedings in connection with the Crime No.599/2013.
3. It is submitted by learned counsel for the petitioner in CRMP No.591 of 2018 that the petitioner is the complainant in this case, because of some misunderstanding he has lodged the FIR and on that basis the offence have been registered against the co-accused persons who are petitioners in CRMP No.1296 of 2018 and another co-accused Chandrashekhar Dhruwa. On the grounds of compromise between the complainant and accused persons, the co-accused Chandrashekhar Dhruwa has been benefited with relief of quashment by the coordinate Bench of this Court in CRMP No.1647 of 2017 vide order dated 22-02-2018. Hence, on the similar grounds it is prayed that the FIR registered against the petitioners in CRMP No.1296/2018 be quashed.
4. Learned counsel for the petitioners in CRMP No.1296/2018 after adopting the argument advanced by the learned counsel for the petitioner in CRMP No.591 of 2018, submits that on account of the compromise and settlement between the complainant and co-accused persons the petition may be allowed and the FIR and the proceedings against the petitioners be quashed.

5. Learned counsel for the State opposes the grounds raised in the petitions submitting that looking to the nature of the offence committed and the evidence present in support of that, the FIR and the proceedings against the co-accused persons cannot be quashed.

6. Heard learned counsel for both the parties and perused the documents.

7. The facts of the case, in brief, is this, that the car driven by Imran Ali @ Karim (petitioner in CRMP No.591 of 2018) dashed against the car occupied by the accused persons (petitioners in CRMP No.1296 of 2018), a dispute arose between both the parties regarding the compensation for repair of the car of the accused persons and subsequent to that, the FIR has been lodged by the complainant, i.e., Imran Ali (petitioner in CRMP No.591 of 2018).

8. Following the principles laid down by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab & Another**, reported in (2012) 10 SCC 303 and for the reasons that similarly placed co-accused Chandrashekhar Dhruwa has been benefited with relief of quashment of the proceeding by the coordinate Bench of this Court, I feel inclined to allow these petitions and accordingly, the petitions are allowed and the FIR registered as Crime No.599/13 at Police Station Civil Line, Raipur which has been registered as Criminal Case No.13232/2014 subsequent to the filing of the charge sheet and the proceedings thereof are quashed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge