

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 810 of 2018

- Digambar Ram Bhagat S/o Ramavatar Ram, Aged About 32 Years, Occupation Panchayat Secretary, Gram Panchayat Abhaypur, Chowki Tara, P. S. Premnagar, Dist. Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Premnagar, Dist. Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
2. Superintendent Of Police Surajpur District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
3. Station House Officer Police Station Premnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
4. Jaikaran S/o Kanshi, Aged About 50 Years, R/o Village Tara, P. S. Premnagar District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
5. Dharma Sai S/o Mutur, Aged About 58 Years, R/o Village Tara, P. S. Premnagar District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
6. Shivcharan S/o Sonsai, Aged About 45 Years, R/o Village Tara, P. S. Premnagar District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
7. Ramdhani S/o Sonsai, Aged About 38 Years, R/o Village Tara, P. S. Premnagar District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondents

For Petitioner – Shri Kishore Bhaduri, Shri Jitendra Shrivastava and Shri Pawan Kesharwani, Advocates.

For State/Respondents 1 to 3 – Shri Anil S. Pandey, Govt. Advocate.

For State/Respondents 4 to 7 – Shri Vinod Tekam, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/05/2018

1. This petition has been brought under Section 482 of the Cr.P.C. with a prayer to quash the FIR against the petitioner registered as Crime No.24/2018 for the offence under Section 420/34 of the IPC in Police Station Premnagar, District Surajpur.

2. It is submitted by learned counsel for the petitioner that according to the FIR lodged, respondents 4 to 7 are aggrieved persons and all of them have

entered into a compromise with the petitioner. Section 320(2) of the Cr.P.C. permits composition of offence under Section 420 of the IPC with permission of the Court. As the case is still under investigation and respondents 4 to 7 have appeared before this Court and recorded their statement, on that basis, it is prayed that the FIR in this petition be quashed.

3. Learned State counsel opposes the petition and the submission made.

4. Offence under Section 420/34 of the IPC has been registered against this petitioner on the basis of the FIR lodged by respondent No.5, in which it is alleged that respondent 4 to 7 have received compensation for land acquisition. The amount Rs.28,08,592/- was deposited in their joint account. The allegation against this petitioner and co-accused is this, that they demanded a bribe of Rs.7,00,000/- from respondents 4 to 7 and for that reason Rs.4,00,000/- were transferred into the account of the co-accused Patwari and Rs.3,00,000/- was transferred into the account of wife of the present petitioner.

5. Respondents 4 to 7 have appeared before this Court and the Registry has recorded their statement, in which, they have given clear statement that they have compromised the dispute with the petitioner without any fear or influence and they do not wish to continue with the prosecution of this petitioner.

6. So far as it relates to the offence under Section 420 of the IPC, it is compoundable offence under the provisions of Section 320(2) of the Cr.P.C. with the permission of the Court. Hence, for the reason that the offence presently registered against the petitioner is compoundable and because of technicality, that the case is not before any trial Court and order under the provisions of Section 320 of the Cr.P.C. cannot be passed, jurisdiction under Section 482 of the Cr.P.C. can be exercised at this stage in the present case. Hence, for this reason, the petition is allowed and the FIR dated 16-03-2018

registered at Police Station Premnagar, District Surajpur, as Crime No.24/2018 against this petitioner so far as it relates for the offence under Section 420 of the IPC is hereby quashed.

7. The petition stands disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil