

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1797 of 2018**

- Raju Khan S/o Late Shri Asfaque Hussain Aged About 42 Years R/o Chandra Nagar, Kohka, Edgah Chowk, P.S. Supela, Civil And Revenue Distt. Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The District Magistrate, Durg Distt. Durg Chhattisgarh
2. Nand Kumar Deshmukh S/o Late Shri Ram Lal Deshmukh Aged About 58 Years R/o Purani Basti, Kohka, P. S. Supela, Civil And Revenue Distt. Durg Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sunil Sahu, Advocate
For State	:	Ms. M. Asha, Panel Lawyer
For Respondent No.2	:	Shri Sameer Singh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/09/2018**

By this petition under Section 482 CrPC, the petitioner has prayed for quashing of criminal proceedings of criminal case No.27228/2012 pending in the Court of JMFC, Durg.

2. Offence under Section 420, 467, 468, 471 IPC was registered against the petitioner on the report of respondent No.2 that with the intention to cheat the complainant, the petitioner collected Rs.7,50,000/- by saying that he would sell the property in favour of the complainant. However, when no sale deed was executed, the complainant demanded repayment of advance and at this stage, the petitioner is alleged to have given a cheque of Rs.7,50,000/-. The cheque bounced and it was revealed later on that the cheque given by the petitioner to the complainant was in respect of the account of a third person and not that of the petitioner.

3. However, later on, during the pendency of the criminal case, the parties have

settled their disputes under which, the petitioner has paid Rs.7,50,000/- to the complainant and the complainant has also accepted the amount. The application for compounding offence was submitted before the Trial Court. The statement of the parties were recorded. The Trial Court, after having been satisfied that it is a fit case where the offence can be compounded with the permission of the Court, offence was compounded as far as offence under Section 420 IPC is concerned, however, other offences were not compounded. Therefore, the petitioner has filed this petition for quashing criminal proceedings in respect of other offences.

4. Relying upon the judgment of the Supreme Court in the case of **Gian Singh v. State of Punjab and anr. 2012 AIR SCW 5333, Narinder Singh and ors. v. State of Punjab and anr. 2014 (6) SCC 466, Anita Maria Dias and anr. v. State of Maharashtra and anr. 2018 (3) SCC 290**, learned counsel for the petitioner submits that involvement of the complainant, where allegation is only of cheating and forgery of certain cheques and now the parties have settled their disputes, the criminal proceedings may be quashed in the interest of justice. It is also submitted that the complainant himself has appeared before the Trial Court and expressed that he does not wish to press the allegations as the petitioner has returned the amount of Rs.7,50,000/- to the complainant.

5. Learned counsel for the respondent / complainant also does not dispute the aforesaid factual submissions that later on, the parties have settled their disputes and the complainant has received Rs.7,50,000/-. Therefore, he would have no objection if criminal case against the petitioner is concluded.

6. Having considered the submission of learned counsel for the parties, taking into consideration the settled legal position as adumbrated in the aforesaid decision and further taking into consideration that the present case does not fall in the category of such heinous and serious allegations wherein, only on the basis of compounding offence, quashment would be against the larger public interest, I am inclined to allow the application.

Accordingly, it is directed that further proceedings pending against the petitioner in criminal case No.27228/2012 in the Court of JMFC Durg, District – Durg are hereby quashed. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge