

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1048 of 2019

- Gourav Kumar Agrawal, S/o Shri Gajanand Agrawal, Aged About 24 Years, R/o C-13, Sumit City Of Dreams, Kachna, Police Station Mowa, Raipur, Civil And Revenue District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Police Station Shivrinarayan, District Janjgir Champa, Chhattisgarh
2. Ashish Agrawal, S/o Shri Niranjana Agrawal, Aged About 39 Years, R/o Main Road, Bombay Market, Tehsil Nawagarh, Shivrinarayan, Police Station Shivrinarayan, Shivrinarayan, Civil and Revenue District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner	Shri Kashif Shakeel, Advocate
For Respondent-State	Shri Anant Bajpai, PL
For Respondent No.2	Shri Vivek Shrivastava, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/06/2019

1. This petition for quashment of the criminal proceedings in respect of Crime No.200/2017, registered at Police Station Shivrinarayan, District Janjgir-Champa, has been preferred on the basis of a settlement between the parties vide Annexure-P-2.
2. On the submission of both the parties, this Court directed that their statement be recorded before the Additional Registrar (Judicial) on 18.06.2019. The said statement has been recorded and is forming part of the record.

3. Both the parties have stated that they have settled the matter and the complainant does not want to prosecute further in respect of the complaint made by him to the concerned Police.
4. In the matters of **B. S. Joshi and others vs State of Haryana and another¹**, **Gian Singh vs State of Punjab and another²** and **Social Action Forum for Manav Adhikar vs Union of India³**, the Supreme Court has observed that when settlement has been arrived at between the parties in relation to an offence which is not compoundable, the High Court may in exercise of powers under Section 482 of CrPC quash the FIR/criminal proceedings provided the offence is not serious. In the present case, the alleged offence was about commission of theft of a mobile set belonging to the complainant. The parties are stated to be related to each other.
5. Considering the nature of offence and in view of the settlement between the parties, this Court is of the considered opinion that the proceedings of Crime No.200/2017 deserves to be and is hereby quashed.
6. The CRMP stands allowed.

Sd/-
Prashant Kumar Mishra
Judge

Nirala

1 (2003) 4 SCC 675
2 (2012) 10 SCC 303
3 2018 SCC Online SC 1501