

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1274 of 2019**

1. Smt. Arshiya Ahmad W/o Sayyad Mateen Ahmad Aged About 40 Years R/o Ward No.14, Baldev Bag, Tahsil And District Rajnandgaon Chhattisgarh.
2. Sayyad Mateen Ahmad S/o Shri Umar Bhai Aged About 43 Years R/o Ward No.14, Baldev Bag, Tahsil And District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Town Inspector, Police Station Dongargaon, District Rajnandgaon Chhattisgarh.
2. Manish Tiwari S/o Shri Chandraprakash Tiwari Aged About 30 Years R/o Ward No.39, Shrishti Colony, Tahsil And District Rajnandgaon Chhattisgarh., Presently At Raipur Chhattisgarh.

---- Respondent

For Petitioners : Shri Bhaskar Payashi, Advocate.
For Respondent/State : Shri RK Bhagat, Deputy GA.
For Respondent No.2 : Shri T.K. Tiwari, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/06/2019 :**

1. This petition under Section 482 of the CrPC has been preferred for quashing of FIR pertaining to Crime No.107/2016 registered at Police Station Dongergaon, District Rajnandgaon for offence

under Sections 406 and 420/34 of the IPC.

2. The petition has been submitted on the ground that both the parties have compromised their inter se dispute pertaining to the subject matter forming FIR, which is otherwise in the nature of civil dispute. Therefore, in view of law laid down by the Supreme Court 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 FIR deserves to be quashed.
3. In the above referred matters of **Gian Singh** and **Social Action Forum for Manav Adhikar** (Supra), the Supreme Court has held that when the parties to FIR or criminal proceeding have settled the dispute in relation to the offence which is non-compoundable, the High Court can exercise power under Section 482 of the CrPC or under Article 226 of the Constitution of India for quashing the FIR if the offence is not serious or heinous.
4. In the present case, the nature of allegations as reflected in the FIR appears to be one involving sale of truck. Thus the allegations are not heinous or serious nor does it involve society at large. Moreover, in their statements recorded before the Additional Registrar (Judicial) pursuant to the order passed by

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 2018 SCC Online SC 1501

this Court, both the parties have again expressed their sincere desire to end their dispute.

5. In view of the above, the proceeding of FIR pertaining to Crime No.107/2016 registered at Police Station Dongergaon, District Rajnandgaon for offence under Sections 406 and 420/34 of the IPC is quashed.
6. The Petition under Section 482 CrPC is accordingly allowed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve