

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 967 of 2020**

1. Gilu Alias Prashant Soni S/o Dhruv Kumar Soni
Aged About 25 Years R/o Ganjpara Udiya Colony,
Durg Tahsil And District Durg Chhattisgarh.
2. Alok Pandey S/o Rakesh Pandey Aged About 37 Years
R/o Ward No. 37, Nearby Rungta Niwas, Durg Tahsil
And District Durg Chhattisgarh.

---Petitioners**Versus**

1. Prakash Kumar Dewangan S/o Parmanand Dewangan
Aged About 42 Years R/o Ward No. 32, Nearby Durga
Mandir Chowk, Sadar Bazar, Thana Kotwali Durg,
Tahsil And District Durg Chhattisgarh, District :
Durg, Chhattisgarh
2. State Of Chhattisgarh Through Station House
Officer, Police Station Kotwali, Durg
Chhattisgarh, District : Durg, Chhattisgarh

--- Respondents

For Petitioners :- Mr. T.K. Jha, Advocate
 For Respondent 1 :- Mr. Praveen Shrivastava, Advocate
 For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/11/2020**

1. The petitioners herein seek quashment of FIR No.
0016/2020 registered against them at the instance

of respondent No. 2 on the ground that in order to maintain harmony and good relationship, the matter has been compromised between them and they have settled their dispute amicably and pursuant to the order of this Court, the petitioners as well as respondent No. 2 have examined their statements before the A.R.J. wherein they have unequivocally stated that the matter has been compromised and they do not wish to continue the prosecution of the criminal case.

2. Heard learned counsel for the petitioners and respondent No. 1 and perused the record.

3. The Supreme Court, in the matter of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another**¹, has laid down the broad principles for quashing criminal proceedings on the basis of compromise between the parties. Paragraph 16 of the judgment states as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

¹ (2017) 9 SCC 641

16.2. The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

16.5. The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

16.7. As distinguished from serious offences, there may be criminal cases which have an

overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanor. The consequences of the act complained of upon the financial or economic system will weigh in the balance. "

4. In the instant case, only offences under Sections 452 and 427 of IPC are not compoundable with the leave of the Court, rest all the offences are compoundable. Taking into consideration that the parties have made their statement before the A.R.J. and they have also stated before the Court that they have settled the dispute amicably, as such, the continuance of prosecution would not be in the ends of justice. Accordingly, FIR No. 0016/2020 registered against the petitioners at Police

Station Kotwali, Durg is hereby quashed and the instant petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet