

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1980 of 2019**

1. Gurdeep Singh S/o Late Shri Rajender Singh Shekho,
Aged about 58 years.
2. Smt. Surendar Jeet Kaur, W/o Shri Gurdeep Singh
Shekho, Aged about 56 years.
3. Gursheer Singh Shekho, S/o Shri Gurdeep Singh
Shekho, Aged about 33 years.

All R/o Village Govindgarh, Tahsil Abohar, District
Fajalka, Punjab.

---Petitioners

Versus

1. Smt. Balvinder Kaur W/o Sukhchain Singh, Aged about
51 years.
2. Sukhchain Singh, S/o Late Shri Karnel Singh, Aged
about 58 years.
3. Smt. Parabjeet Kaur W/o Shri Gursheer Singh Shekho,
Aged about 28 years.

All R/o House No. 30/3, Nehru Nagar East Bhilai,
Tahsil and District Durg, Chhattisgarh.

4. State of Chhattisgarh, through S.H.O. Police
Station Supela, District Durg, Chhattisgarh.

--- Respondents

For Petitioners	:- Mr. B.P. Singh, Advocate
For Respondents 1 to 3	:- Mr. Anurag Jha, Advocate
For Respondent 4/State	:- Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/06/2020

1. Proceedings of this matter have been taken up for hearing through video conferencing.
2. Petitioners have filed the present petition under Section 482 of the Cr.P.C. seeking quashment of FIR dated 18/03/2019 bearing No. 0269/2019 registered against the petitioners at Police Station Supela, Bhilai for offence under Sections 420, 406, 498-A read with Section 34.
3. As per their willingness, petitioners and respondents No. 1 and 2 have examined themselves before the Additional Registrar (Judicial) and respondents No. 1 and 2 have made the statement that they have settled their dispute with the petitioners and are not willing to continue the criminal prosecution against them.
4. I have heard learned counsel for the parties at length.
5. 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 :-

¹ (2017) 9 SCC 641

"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;

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. "

6. Reverting to the facts of the present case and particularly considering the matrimonial dispute between the parties which they have apparently settled their dispute and proceeded with their respective lives and following the principle of law laid down by the Supreme Court in Parbatbhai Aahir

Alias Parbatbhai Bhimsinhbhai Karmur (supra), it would be appropriate to quash the FIR registered against the petitioners. Accordingly, the FIR in question dated 18/03/2019 bearing No. 0269/2019 registered against the petitioners at Police Station Supela, Bhilai for offence under Sections 420, 406, 498-A read with Section 34 is hereby quashed and petitioners are acquitted of charges.

7. The present petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet