

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 26 of 2021

1. Sunil Jain Lodha, S/o. Gaimdmal Jain, Aged About 51 Years.
 2. Surendra Kumar Jain, S/o. Gaimdmal Jain, Aged About 54 Years.
- Both above R/o. Aapapura, Durg, Police Station- Kotwali,
District- Durg (C.G.)

--- Petitioners

Versus

1. State of Chhattisgarh, through Police Station- Supela, District Durg (C.G.)
2. Nagendra Kumar Mishra, S/o Pratap Narayan Mishra, Aged About 55 Years, R/o. 30/31, Shivaji Nagar, Bhilai, District- Durg (C.G.)

--- Respondents

For Petitioners	:	Mr. Manoj Paranjpe, Advocate.
For State/res. 1	:	Mr. Rakesh Sahu, Dy. Govt. Advocate.
For Respondent No. 2	:	Mr. Vipin Tiwari, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

08/09/2021

1. The petitioners have filed this petition under Article 226 of the Constitution of India for quashment of entire proceeding and FIR No. 0913/2020 registered on 26.12.2020 (Annexure P/1) against the petitioners at Police Station- Supela, District- Durg (C.G.) for committing offence punishable under Sections 420 & 34 of I.P.C.
2. Learned counsel for the petitioners submits that during pendency of this petition, the parties have settled their dispute.
3. Learned counsel for respondent No. 2 does not oppose the submission made by learned counsel for the petitioners.
4. Hon'ble the Supreme Court in case of **State of Madhya Pradesh**

Vs. Laxmi Narayan & others¹, has summarized the law for quashing of FIR, the relevant paragraphs are extracted below:-

“15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

5. This Court vide order dated 25.08.2021 directed the petitioners & respondent No. 2 to record their statement before Additional Registrar (Judicial) of this Court on 03.09.2021 and in pursuance of this Court's order, Petitioner No. 1- Sunil Jain Lodha (on behalf of petitioner No. 2-Surendra Kumar Jain also as Petitioner No. 2 authorized him due to his illness) & respondent No. 2- Nagendra Kumar Mishra, recorded their statements, in which, they have unequivocally submitted that their dispute is settled and now there is no dispute between them and they do not want to prosecute the proceeding further.
6. In view of the said legal position, considering the facts and circumstances of the case as also the fact that the parties have amicably settled their dispute and they do not want to continue with the criminal case, this Court is of the considered opinion that there is sufficient material for this Court to form an opinion to quash the criminal proceeding initiated against the petitioners.

¹ (2019) 5 SCC 688

Further, this Court is of the opinion that continuation of the criminal proceeding will be nothing, but an abuse of process of law. Accordingly, FIR No. 913/2020 registered on 26.12.2020 (Annexure P/1) against the petitioners at Police Station- Supela, District- Durg (C.G.) for committing offence punishable under Sections 420 & 34 of I.P.C., deserves to be and is hereby quashed in the interest of justice.

7. In view of the above, the present petition is allowed to the extent indicated hereinabove.

Sd/-
(Narendra Kumar Vyas)
Judge

Arun