

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 59 of 2021

Bhupinder Singh, S/o Gurunam Singh, Aged About 50 Years, R/o Village- Badala, Jouhal, District Amritsar (Punjab), Amritsar, Rural, Punjab (India).

---- Petitioner

Versus

1. State of Chhattisgarh, through : Station House Officer, Police Station- Supela, District- Durg (C.G.)
2. Collector, Durg, District- Durg (C.G.)
3. Graduate Properties Ltd., Through :- President Ashok Kumar Gupta, S/o Late Laxman Das Gupta, Aged About 68 Years, Caste- Baniya, R/o Block- 20B, Plot No. 5 & 6, Nehru Nagar, West Bhilai, Tahsil & District- Durg (C.G.)

---- Respondents

For Petitioner	:	Mr. Jitendra Gupta, Advocate.
For State/Res. No. 1 & 2	:	Mr. Rakesh Sahu, Govt. Advocate.
For Respondent No. 3	:	Mr. Amiyakant Tiwari, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

10/06/2021

1. The petitioner has filed present petition for quashing of the FIR dated 15.06.2018 lodged by respondent No. 1 against the petitioner- Bhupinder Singh before Police Station- Supela, Tahsil & District- Durg (C.G.) for committing offence under Section 420, 34 of I.P.C. The FIR was registered as FIR No. 0548.
2. The brief facts, as projected by the petitioner in this case, are that a sale deed was executed between one Smt. Sarjeet Kaur, who is mother of the petitioner and respondent No. 1- Graduate Properties Ltd. through its President Ashok Kumar Gupta for sale of immovable property as per description given in sale deed (Annexure P/2) and in pursuance of the sale deed, she has received Rs. 50 lakh from respondent No. 1. Respondent No. 1 has lodged FIR against the petitioner along

with two other co-accused namely Smt. Sarjeet Kaur & Ramesh Kumar Agrawal before Police Station- Supela, Tahsil & District- Durg (C.G.) for committing offence under Section 420, 34 of I.P.C. on 15.06.2018.

3. It is contended by learned counsel for the petitioner that the mother of the petitioner- Smt. Sarjeet Kaur has filed a civil suit before learned First Additional District Judge, Durg (Annexure P/3) on 04.04.2018 against respondent No. 1 with a prayer that the agreement arrived at between Smt. Sarjeet Kaur and respondent No. 1 dated 31.07.2017 be declared null and void, which has been executed adopting fraud against her. The petitioner on above factual ground, has filed this petition under Section 482 of the Cr.P.C. for quashing of FIR No. 548 registered on 15.06.2018, which has been registered alleging violation of Section 420, 34 of I.P.C. by the petitioner & two other co-accused. Learned counsel for the petitioner further submits that the present petitioner, is a witness of the sale deed dated 31.07.2017, which was executed between Smt. Sarjeet Kaur and respondent No. 1- Graduate Properties Ltd. through its President Ashok Kumar Gupta. The petitioner has also been implicated as accused in the offence committed under Section 420, 34 of I.P.C. and FIR No. 548 dated 15.06.2018 has been registered against him. In the FIR, it has been stated by the complainant- respondent No. 1 that the present petitioner and one Ramesh Kumar Gupta have signed the sale deed as witnesses with common intention with Smt. Sarjeet Kaur, who has committed the offence under Section 420, 34 of I.P.C., therefore, the FIR has been registered against him also. The compromise order dated 26.11.2018 has also been filed by the parties.
4. Learned counsel for the parties submit that since the compromise has been arrived at between the parties, the offence under Section 420, 34 of I.P.C. is now compoundable.

5. Learned counsel for the petitioner would rely upon the judgment passed by Coordinate Bench of this Court in **CRMP No. 344 of 2015 (Santosh Chandak & others Vs. State of Chhattisgarh)**. He has also placed reliance upon the judgment of the Supreme Court in **B.S. Joshi & others Vs. State of Haryana & another**¹ and **Gian Singh Vs. State of Punjab**².
6. Considering the facts that now there is no dispute between the petitioner and respondent No. 1, offence under Section 420, 34 of I.P.C. has been registered against the petitioner, which relates to purchase of property and the same has been settled between the parties. The petitioner and respondent No. 1 have also been examined by the Additional Registrar (Judicial) of this Court on 27.01.2021, wherein, the petitioner and respondent No. 1 have recorded their statement and it has been said that the said dispute has been settled between the parties, the petitioner and respondent No. 1 have submitted before Additional Registrar (Judicial) that their dispute is settled and now there is no dispute between them. Respondent No. 1 has submitted that in view of the compromise arrived at between them and the judgment dated 26.11.2018 passed by learned Additional District Judge, Durg (C.G.), he does not want to prosecute the proceeding further and if the proceeding is quashed, he has no objection.
7. It is not in dispute that at the instance of respondent No. 1, offence under Section 420, 34 of I.P.C. has been registered against the petitioner, which relates to the purchase of property, the dispute has been settled between the parties, petitioner and respondent No. 1 have been examined before the Additional Registrar (Judicial) and they have submitted in equal words that matter has been settled and no dispute is existing. Since offence under Section 420, 34 of I.P.C. is compoundable with the leave of the Court, therefore, the FIR

¹ (2003) 4 SCC 675

² (2012) 10 SCC 303

in question bearing FIR No. 0548 registered on 15.06.2018 against the petitioner before Police Station- Supela, Tahsil & District- Durg (C.G.) for committing offence under Section 420, 34 of I.P.C., deserves to be and is accordingly quashed in the interest of justice.

8. In view of the above, the present petition is allowed to the extent indicated hereinabove. No order as to costs.
9. Copy of this order be sent to the concerned Judicial Magistrate for closure of the case in the event of filing of charge-sheet by the State.

Sd/-
(Narendra Kumar Vyas)
Judge