

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 553 of 2017

- Navjeet Singh Tuteja S/o Amrik Singh Tuteja Aged About 42 Years R/o Pandari, Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Superintendent Of Police, Raipur, District Raipur, Chhattisgarh.
3. Station House Officer, Police Station Telibandha, Raipur, District Raipur, Chhattisgarh.
4. Manish Wadhvani S/o Khiyalchand Wadhvani R/o D- 7, Anand Niketan Awanti Vihar, Telibandha, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Sumit Singh Rathore, Advocate
For State	: Shri D. P. Singh, Dy. A. G.
For respondent No.4	: Shri Manoj Paranjpe, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

10.08.2021

1. The petitioner has filed the present petition challenging the FIR, in connection with FIR No.33341066170317/2017 dated 05.08.2017 registered before the Police Station Telibandha, District- Raipur(C.G.) for committing offence under Section 420 of IPC.
2. The facts as reflected in the FIR that the respondent No.4 has filed complaint contending that he has family and professional relationship with the present petitioner and in the month of September, 2014 he has visited to his house. It has been further mentioned in the complaint that the petitioner has stated that the petitioner will provide a land at Raipur which will be valued between Rs.90 lacs to Rs.1 Crore and he has to pay the amount in installments. The complainant has given Rs.80 Lacs to the petitioner on 03.09.2014 in presence of witness and upto

December, 2015 he has paid 1 Crore 2 lacs rupees to the petitioner, despite that he has not provided the land to the petitioner. When he is inquiring about matter from NDRA it has been over the officer of NDRA in Raipur then it has been informed by the Officer of NDRA to the complainant that no such scheme has been promulgated by the NDRA and thus he has committed cheating to the petitioner. The petitioner has given one cheque of Rs.6 lacs which has been dishonoured and still the amount has not been paid to the complainant therefore, he has committed the offence of fraud.

3. This Court vide its order dated 12.12.2017 has granted interim protection to the petitioner of directing that no coercive steps shall be taken against the petitioner and issued notice to the respondent No.4, the respondent No.4 appeared before this Court and during pendency of this petition, the petitioner and respondent No.4 have settled their dispute as per the proposal given by the petitioner to the respondent which has been accepted by respondent No.4.
4. The relevant terms of the proposals which has been accepted by respondent No.4 as under below:-

I, Navjeet Singh Tuteja(Petitioner) solemnly sending this proposal to Manish Wadhwani (Respondent No.4) on the following points:

In the light of the order passed by Hon'ble High Court dated 14.06.2021, whereby observation was made by Hon'ble High Court that in the meantime "Petitioner and Respondent No.4 will try to make an attempt to resolve their grievance."

Respondent No.4 sent a letter to the petitioner on 29.06.2021 in return petitioner also has replied the same on 02.07.2021 which was sent by registered post on 02.07.2021 accordingly both the parties tried to resolve their dispute by meeting on 28.07.2021 whereby the parties were agreed on certain points and Respondent No.4 has requested for proposal accordingly petitioner is sending the following proposal to the respondent No.4.

- I. That the petitioner will pay sum of 68 lakhs amount to the respondent No.4 in installments.
- II. That, First installments of Rs.2 lakhs will be sent by the petitioner on 20 August 2021 of this month and rest of the installments will be paid at the tune of Rs.2 Lakhs per month(From 1 to 10th day of the

particular month) till the date of final payment.

- III. This proposal should be considered and reply to this proposal is awaited for further drafting for the settlement.

5. This Court vide its order dated 04.08.2021 has directed the petitioner and respondent No.4 to appear before the Additional Registrar(Judicial) of this Court for recording of their statements on 06.08.2021. In pursuant to the direction of this Court, the petitioner and respondent No. 4, entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondent No. 4, is not willing to continue with the criminal proceedings and prayed for quashment of the FIR No.33341066170317/2017. Respondent No.4 has stated that he has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from the petitioner. The petitioner and respondent No.4 amicably settled their dispute and petitioner would submit that petition may be allowed and the FIR registered against respondent No.4 may kindly be quashed.
6. Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**¹, 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 impart 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,

¹ (2019) 5 SCC 688

namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

7. In view of the said legal position, considering the facts and circumstances of the case, the fact that the parties have amicably settled dispute between them 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 FIR initiated against the petitioner. Further, this court is of the opinion that the continuation of criminal proceeding will be nothing, but to an abuse of process of law. Accordingly, FIR No.33341066170317/2017, registered at Police Station-Telibandha, District Raipur(C.G.) registered against the petitioner for committing offence punishable under Section 420 of I.P.C., deserve to be and are hereby quashed in the interest of justice.
8. In view of the above, the present petition is allowed. No order as to costs.

Sd/-
(Narendra Kumar Vyas)
Judge