

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 180 of 2020

1. Smt. Nandani Chourasiya S/o Govind Chourasiya Aged About 37 Years R/o Proprietor Of Vyanktesh Hero Bilaspur R/o Near Mata Choura, Kududand, Bilaspur Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh
2. Govind Chourasiya S/o Bharat Kumar Chourasiya Aged About 40 Years R/o Proprietor Of Vyanktesh Hero Bilaspur R/o Near Mata Choura, Kududand, Bilaspur Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home (Police) Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Superintendent Of Police Janjgir District Jangir Champa Chhattisgarh
3. Station House Officer Police Station Pamgarh, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh
4. G. S. Jouhar S/o B. R. Jouhar Aged About 46 Years R/o Phase-2/34, Geetanjali City, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

For Petitioners : Ms. Prabha Sharma on behalf of Shri Ratnesh Agrawal, Advocates

For State : Shri Rakesh Sahu, Dy. Government Advocate

For Respondent No.4: Shri Vivek Shrivastava, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

16.09.2021

1. The petitioner has filed the present writ petition challenging the registration of FIR No. 72/2020 dated 06.03.2020 registered at police station Pamgarh, District – Janjgir-Champa for the offence punishable under Sections 420, 467, 471, 120-B, 34 of the IPC on the basis of complaint made by respondent No. 4.
2. Learned counsel for the petitioners and respondent No. 4 that during the pendency of the petition, the petitioners and respondent No. 4 have settled their grievances. It is also

submitted by the learned counsel for the petitioners that amount of Rs. 7.50 Lacs has been returned to respondent No. 4.

3. Considering the aforesaid submission, this Court vide its order dated 13.09.2021 has directed the petitioners and respondent No. 4 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on the same day at 3.00 pm. In pursuance of the direction of this Court, the petitioners 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. 72/2020. Respondent No. 4 has stated that he has voluntarily deposed his statements, it has been executed without fear, pressure or undue influence from the petitioners.
4. 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, 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. In view of the said legal position, considering the facts and circumstances of the case, the fact that the parties have

¹ (2019) 5 SCC 688

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 criminal proceeding initiated against the petitioners. 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 bearing registration No. 72/2020 registered at police station Pamgarh, District – Janjgir-Champa (C.G.) for committing offence punishable under Sections 420, 467, 471, 120-B, 34 of the IPC, deserves to be and is hereby quashed in the interest of justice.

6. In view of the above, the present petition is allowed. No order as to costs.

Sd-
(Narendra Kumar Vyas)
Judge

kishore