

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 764 of 2019

Rajesh Harjpal S/o Kanhaiyalal Harjpal, Aged About 45 Years, R/o Telipara, Medical Complex Bilaspur, Police Station- City Kotwali, Tahsil, Civil and Revenue District- Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Home (Police) Department, Mahanadi Bhawan Mantralaya, New Raipur, Police Station Kewli, Tahsil, Civil and Revenue District- Raipur, Chhattisgarh.
2. Superintendent of Police Bilaspur, Police Station Civil Lines, Tahsil, Civil and Revenue District- Bilaspur, Chhattisgarh.
3. Station House Officer Police Station Sakri, Tahsil, Civil and Revenue District- Bilaspur, Chhattisgarh.
4. Dilip Agrawal S/o Baijnath Agrawal, Aged About 36 Years, R/o Gitanjali City, Phase-I, Bahatari, Police Station Sarkanda, Tahsil and District Bilaspur, Chhattisgarh.

--- **Respondents**

For Petitioner	: Mr. Ratnesh Kumar Agrawal, Advocate.
For State/Respondent No.1 to 3	: Mr. Aditya Tiwari, PL.
For Respondent No.4.	: Mr. Hemant Kesharwani, Advocate.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

28/10/2021

Heard.

1. Petitioner has filed this petition under Section 482 of Code of Criminal Procedure, 1973 seeking quashment of FIR dated 09.03.2019 (Annexure A-1). During pendency of this petition, final report was submitted by the Police after due investigation, charges have been framed and as intimated by learned counsel for the parties, now case is fixed for recording of evidence of witnesses.
2. Learned counsel for petitioner submits that during pendency of this petition, compromise has been arrived at between the parties on 02.10.2021. In terms of compromise, petitioner has paid entire disputed amount of Rs.3,77,000/- to respondent No.4, therefore, FIR as well as criminal proceedings pending before Court of JMFC, Bilha be quashed. He also submits that statement of the parties have also been recorded before Additional Registrar (Judicial) of this Court in

which they have admitted that they have entered into compromise and disputed amount is paid to respondent No.4.

3. Learned counsel for respondent No.4 does not dispute the submissions made by learned counsel for petitioner of entering in compromise and submits that respondent No.4 has received Demand Draft of Rs.3,77,000/-, hence, he is having no objection in granting relief to petitioner as prayed by him.
4. Heard learned counsel for the parties.
5. Instant petition is filed relief of seeking quashment of FIR only. No prayer is made in petition or any application is filed for compounding of offences as registered against the petitioner. The prayer as it appears is for compounding of offence. During pendency of this petition, charge-sheet is filed, charges framed and case is at the stage of recording evidence.
6. Undisputedly petitioner and respondent No.4 have entered into compromise, petitioner has also paid entire disputed amount, as mentioned in FIR. Hence, it is for the petitioner to file an appropriate application under Section 320 of Cr.P.C. before the concerned Court for consideration, more so when offence under Section 420 is compoundable under Section 320 of Cr.P.C and JMFC before whom case is pending is having jurisdiction to pass appropriate orders on an application filed under Section 320 of Cr.P.C.
7. In view of above, this petition stands disposed off with aforesaid observation. However, if the petitioner files an application under Section 320 of Cr.P.C before the Court of JMFC, Bilha in pending criminal case, the same shall be decided at the earliest in accordance with law.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-