

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 469 of 2021**

1. Devendra Singh S/o. Matadin, aged About 27 Years R/o. Thona, Police Station Sendari, District Tikamgarh (Madhya Pradesh).
2. Vishal Sahu S/o. Suresh Sahu, Aged About 20 Years R/o. Village Sakrar, Police Station Sakrar, Tahsil Mauranipur, District Jhansi (Uttar Pradesh).
3. Kirtan Kumar S/o. Daduram Nirmalkar, Aged About 24 Years R/o. Nahru Nagar, Batari, Police Station Dipika, District Korba (Chhattisgarh)
4. Arjun Singh Yadav S/o. Mahendra Singh Yadav Aged About 25 Years R/o. Thona, Police Station Sendari, District Tikamgarh (Madhya Pradesh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur (Chhattisgarh)
2. Kaneez Fatima D/o Shabbir Ali, Aged About 18 Years R/o Talapara, Police Station Civil Line, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Barun Chakraborty, Advocate
For Respondent/State	:	Mr. Ishwar Jaiswal, P.L.
For Respondent No.2	:	Ms. Aftabum Nisha, Advocate

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/11/2021**

Heard.

2. The parties (petitioners and complainant/respondent No.2) have recorded their statements on 09.11.2021 reporting compromise between themselves. The execution of the compromise by way of recording statement is admitted by the parties. In view of the compromise entered into between the parties, the second respondent has no objection to quash the entire proceedings in connection with FIR No.235/2016 and consequential

registration of Criminal Case No.1912/2016.

3. The factual aspects of this case discloses that the petitioners talked with complainant/respondent No.2 over her mobile with regard to lucky draw of Idea company of Rs.1,16,000/- in her favour and subsequently got deposited Rs.1,50,000/- in petitioner's account and thereby committed cheating. Now, the matter has been compromised between the parties settling their dispute amicably.

4. In this regard, it is worth to mention here a decision rendered in **Gian Singh V. State of Punjab and Another** reported in **[(2012) 10 SCC 303]**, wherein the Apex Court has held thus:-

“Power of High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from power of a criminal court of compounding offences under Section 320 – Cases where power to quash criminal proceedings may be exercised where the parties have settled their dispute, held, depends on facts and circumstances of each case – Before exercise of inherent quashment power under S.482, High Court must have due regard to nature and gravity of the crime and its societal impact.”

5. On perusal of the above said offence, the dispute essentially arising out of alleged lucky draw in favour of complainant and subsequent cheating by depositing amount in petitioner's account, differences between the petitioners and respondent No.2 have been settled by themselves amicably.

6. Under the above said circumstances, when the parties have resolved their dispute between themselves, and the trial Court acquitted the petitioners of the charge under Section 420 IPC, which was the main offence, but the learned trial Court did not order for offence under Section 120B IPC, in my opinion, the dispute between the parties can be set at rest by accepting the compromise filed by them. Therefore, the petition requires to be allowed.

7. Accordingly, the petition is allowed. The compromise by way of statements of the petitioners and second respondent is hereby accepted. Consequently, the petitioners are acquitted of the charge under Section 120-B IPC.

Sd/-

(Rajani Dubey)
Judge

Pekde