

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 673 of 2021**

1. Bipu. Vidya S.o Vishnupad Vaidya, aged 24 years, R/o Badgao
P.S. Badgao, District Kanker C.G.

---- Petitioner**Versus**

1. State of Chhattisgarh Through : District Magistrate, Raipur,
P.S. D.D. Nagar Raipur, District Raipur (C.G.)
2. Chandrashekhar Verma S/o J.L. Verma, aged about not known,
R/o Pro. M/s Pushpak Industries, Raipura, District Raipur (C.G.)

---- Respondents

For Petitioner	:	Ms. Sareena Khan, Advocate
For Respondent/State	:	Mr. Anurag Verma, P.L.
For Respondent No.2	:	Mr. Ravi Kumar Banjare, Advocate

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/12/2021**

Heard.

2. In pursuance to the Court's order dated 01.12.2021, the parties (petitioners and complainant/respondent No.2) have recorded their statements on 04.12.2021 before Chief Judicial Magistrate, Raipur reporting compromise between themselves. The execution of the compromise by way of recording statement is admitted by the parties and the same is on record also. 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.33341022210119 dated 18.03.2021 registered at Police Station Dindayal Nagar, Raipur (C.G.)

3. The factual aspects of this case discloses that the petitioner had placed an order for 11 pieces of Almira amounting to Rs.48,026/- from respondent No.2 and after receiving the consignment, the petitioner refused to pay money and thereby committed cheating. Now, the matter has been compromised between the parties settling their dispute amicably. It is admitted

by respondent No.2 that required amount has been received by him by way of demand draft.

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 arose when the petitioner, after receiving 11 pieces of Almiras, showed inattentiveness in payment of Rs.48,026/-. Now, the differences between the petitioner 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, 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 petitioner and second respondent is hereby accepted. Consequently, the impugned FIR No. 33341022210119 dated 18.03.2021 registered at Police Station Dindayal Nagar, District Raipur, is quashed.

Sd/-

(Rajani Dubey)
Judge