

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 679 of 2021

- Bhaskar Guha S/o Late Shri K.B. Guha Aged About 45 Years Occupation - Service, R/o Near Bony Agency Deori Khurd Chowk, Behind Gramin Bank, Police Station Torwa, District - Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. Smt. Archana Anand Vaishnav W/o Late Shri Alok Anand Vaishnav Aged About 40 Years R/o Mateshwari Apartment, Ward No. 40, Behind Dhan Mandi, Torwa, Tehsil And District - Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh
2. State Of Chhattisgarh Through The S.H.O. Torwa, Bilaspur, District-Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	: Mr. Abhishek Sinha, Sr. Advocate with Mr. D.L. Dewangan, Advocate
For Respondent No.1	: Mr. A.V. Sidar, Advocate
For State	: Mr. Gurudev I Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

02-08-2021

1. The petitioner has filed the present petition under Section 482 of the Cr.P.C, seeking quashment of entire proceedings of Criminal Case No.3143 of 2019 pending before the learned m Judicial Magistrate, First Class, Bilaspur arising out of FIR in connection with Crime No. 243 of 2019 registered at Police Station Torwa, Bilaspur for the offence punishable under Sections 354, 509 & 509-B of the IPC.
2. The case of the prosecution, in brief, is that on 28-7-2019 respondent No.1/complainant lodged a report against the petitioner stating therein that the petitioner was sexually harassing her by sending obscene messages to her mobile phone because of which she is mentally distressed.
3. Learned counsel for the petitioner would submit that he has filed the present Cr.M.P. for quashing of the entire proceedings of

Criminal Case No. 3143 of 2019 arising out of FIR in connection with Crime No. 243 of 2019 on the strength of settlement arrived at between the petitioner and respondent No. 1 and now they don't want to continue with the criminal case.

4. This Court vide its order dated 22.07.2021 has directed the petitioner and respondent No. 1 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 23-7-2021. In pursuant to the direction of this Court, the petitioner and respondent No. 1 entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondent No. 1 is not willing to continue with the criminal proceedings and prayed for quashment of the FIR in connection with Crime No. 243 of 2019 as well as proceedings of Criminal Case No. 3143 of 2019. She has stated that she has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from the petitioner.
5. 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 impact 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.”

¹ (2019) 5 SCC 688

6. Though the offence under Section 354, 509 & 509 B of IPC is non-compoundable but this can be quashed with the leave of this Court.
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 criminal proceeding 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.
8. Accordingly, proceedings of Criminal Case No. 3143 of 2019 pending before the learned Judicial Magistrate First Class, Bilaspur arising out of FIR in connection with Crime No.243 of 2019 registered against the petitioner at Police Station- Torwa, Bilaspur for committing offence punishable under Sections 354, 509 & 509-B of IPC deserve to be and are hereby quashed in the interest of justice.
9. In view of the above, the present petition is allowed. No order as to costs.
10. Copy of this order be sent to the concerned Judicial Magistrate for necessary compliance and closure of the proceedings.

Sd/-

(Narendra Kumar Vyas)

Judge