

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 427 of 2021

1. Meena Jain, W/o Shri Dharamchand Jain, Aged About 58 Years, R/o Near District Hospital, Kasridih, Durg (C.G.)
2. Santosh Jain, S/o Shri Moolchand Jain, Aged About 68 Years, R/o Shailendra Nagar, Raipur (C.G.)

--- Petitioners

Versus

1. State of Chhattisgarh, through the Secretary, Department of Home Affairs, Government of Chhattisgarh, having office at Mahanadi Bhawan, Nava Raipur (C.G.)
2. Inspector General of Police, District- Raipur (C.G.)
3. Superintendent of Police, District- Raipur (C.G.)
4. Station House Officer Police Station- Civil Lines, District- Raipur (C.G.)
5. Station House Officer, Police Station- Tikrapara, District- Raipur (C.G.)
6. City Superintendent of Police, Police Station- Purani Basti, District- Raipur (C.G.)
7. Tunnuram Agrawal, S/o Late Shri Lilaram Agrawal, Aged About 57 Years, R/o Bodhraj, District- Phulwani, Post Office- Kandhamal Orissa.
8. Hemant Goyal, S/o Shri Vishnu Prasad Agarwal, Aged About 47 Years, R/o Opp Om Hospital Kushal Grih Nirman Society, Raipura Chowk, Mahadev Ghat Road, District- Raipur (C.G.)
9. Komal Agrawal, Aged About 35 Years, R/o Sunder Nagar, Raipur (C.G.)

--- Respondents

For Petitioners	:	Mr. Akshay Uppal, Advocate.
For State/Res. 1 to 6	:	Mr. Vikas Shrivastava, Panel Lawyer.
For Res. No. 7 to 9	:	Mr. Rajat Agrawal, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

29/09/2021

1. The petitioners have filed this petition under Article 226 of the Constitution of India for quashment of entire proceeding and FIR

No. 0269/2021 registered on 23.06.2021 (Annexure P/1) against the petitioners at Police Station- Civil Lines, District- Raipur (C.G.) for committing offence punishable under Sections 418, 420, 467, 468 & 471 of I.P.C.

2. Learned counsel for the petitioners submits that during pendency of this petition, the parties have settled their dispute.
3. Learned counsel for respondent No. 7 to 9 does not oppose the submission made by learned counsel for 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 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.”

5. This Court vide order dated 13.09.2021 directed the petitioners & respondent No. 8 to record their statement before Additional Registrar (Judicial) of this Court on 22.09.2021 and in pursuance of this Court's order, Petitioner No. 2- Santosh Jain & respondent No. 8- Hemant Goyal, recorded their statements, in which, they have unequivocally submitted that their dispute is settled and now

¹ (2019) 5 SCC 688

there is no dispute between them and they do not want to prosecute the proceeding further.

6. In view of the said legal position, considering the facts and circumstances of the case as also the fact that the parties have amicably settled their dispute 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 continuation of the criminal proceeding will be nothing, but an abuse of process of law. Accordingly, FIR No. 0269/2021 registered on 23.06.2021 (Annexure P/1) against the petitioners at Police Station- Civil Lines, District- Raipur (C.G.) for committing offence punishable under Sections 418, 420, 467, 468 & 471 of I.P.C., deserves to be and is hereby quashed in the interest of justice.
7. In view of the above, the present petition is allowed to the extent indicated hereinabove.

Sd/-
(Narendra Kumar Vyas)
Judge