

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 999 of 2020**

1. Shiva Nand Gupta S/o Shri Sachidanand Gupta, aged about 25 Years R/o Village - Semali, P.S. - Balrampur, District Balrampur-Ramanujganj Chhattisgarh.
2. Guru Bachan Singh S/o Kamta Singh, Aged About 27 Years, R/o Village - Semali, P.S. - Balrampur, District Balrampur-Ramanujganj Chhattisgarh.
3. Mithlesh Singh S/o Shri Suchendra Singh, Aged About 18 Years, R/o Village - Semali, P.S. - Balrampur, District Balrampur-Ramanujganj Chhattisgarh.
4. Jeet Kumar Gupta S/o Hirdyanand Gupta, Aged About 20 Years, R/o Village - Semali, P.S. - Balrampur, District Balrampur-Ramanujganj Chhattisgarh.
5. Sachidanand Gupta S/o Shiv Prasad Singh, Aged About 42 Years, R/o Balrampur P.S.- Balrampur District Balrampur-Ramanujganj Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through P.S. - Balrampur District Balrampur-Ramanujganj Chhattisgarh.
2. Ashok Singh S/o Shiv Prasad Singh, Aged About 42 Years, R/o Balrampur, P.S. Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Apoorva Tripathi, Advocate
For Respondent/State	:	Mr. Akhtar Hussain, P.L.
For Respondent No.2	:	Ms. Avinash Chand Sahu, Advocate

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/11/2021**

Heard.

02. The petitioners have filed this CRMP for quashing FIR No. 48/2020 dated 22.03.2020 for the offences punishable under Sections 147, 149, 307, 323 and 341 IPC, registered at Police Station Balrampur, District Balrampur (C.G.) and all the subsequent proceedings arising therefrom, on the basis of compromise effected

between the parties.

03. In compliance to the Court's order dated 06.09.2021, statements of the parties got recorded on 23.09.2021 before the Additional Registrar (Judl.) with regard to genuineness of the compromise.

04. Learned counsel for the petitioners, referring to the decisions of **High Court of Punjab and Haryana at Chandigarh** and **High Court of Delhi at New Delhi** in the matter of **Sunil and Others V. State of Haryana and another, Chamkaur Singh Vs. State of Punjab and Others & Vinod Kumar Pawan alis Chirri & Ors V. State (Govt of NCT of Delhi) and Ors.**, respectively, submits that the High Court can quash offence under Section 307 while exercising its power under Section 482 Cr.P.C.

05. The parties (petitioners and complainant/respondent No.2) have recorded their statements on 23.09.2021 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.48/2020.

06. 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.”

07. 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.

08. Accordingly, the petition is allowed. FIR No.48/2020, under Sections 147, 149, 307, 323 and 341 IPC, registered at Police Station Balrampur, District Balrampur (C.G.), and consequent proceedings emanating therefrom are hereby quashed.

09. The petition and pending applications, if any, are accordingly disposed of.

Sd/-

(Rajani Dubey)

Judge

Pekde