

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 368 of 2019

- Pramod Singh S/o Late Shankar Dayal Singh Aged About 53 Years R/o Village Ward No. 5, Chowki, Baya, Police Station Rajadevri, District Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Department Of Home (Police), Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Inspector General Of Police, Rang - Raipur, District Raipur Chhattisgarh.
3. State Of Chhattisgarh Through Superintendent Of Police, District Baloda Bazar Bhatapara Chhattisgarh.
4. State Of Chhattisgarh Through Chowki, Baya, Police Station Rajadevri, District Baloda Bazar Bhatapara Chhattisgarh.
5. Smt. Gauri Devi W/o Pramod Singh Aged About 49 Years R/o. Village - Ward No. 5, Chowki - Baya, P.S. - Rajadevri, District - Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner : Shri Hemant Gupta, Advocate

For State : Shri Hariom Rai, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

07.09.2021

1. The present petition under Article 226 of the Constitution of India has been filed seeking quashment of FIR dated 28.02.2017 bearing No. 17/2017 registered at Police Station Rajadevri, District – Baloda-Bazar-Bhatapara for the offence punishable under Sections 186, 189, 294 of the IPC on account of settlement arrived at between the parties.
2. Learned counsel for the petitioner would submit that due to some hot talks between petitioner and his wife respondent No. 5, she made a complaint before the Police Chowki at Baya, later dispute was settled. As such, she requested the police station in-charge not to register FIR, but no action has been taken.

Therefore, the petitioner has filed the present Writ Petition for quashment of the FIR.

3. This Court vide its order dated 22.02.2021 has directed the petitioner and respondent No. 5 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements. In pursuance of the direction of this Court, the petitioner and respondent No. 5 entered their appearance before Additional Registrar (Judicial) and stated in unequivocal terms that now there is no dispute between them, respondent No. 5 is not willing to continue with the criminal proceedings and prayed for quashment of the FIR No. 17/2017 registered at Police Station Rajadevri, District – Baloda-Bazar-Bhatapara. She has stated that she has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from the petitioner.
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 impart 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

5. 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. Accordingly, FIR bearing registration No. 17/2017 registered at Police Station Rajadevri, District – Baloda-Bazar-Bhatapara (C.G.) for committing offence punishable under Section 186, 189, 294 of I.P.C., deserve to be and are hereby quashed in the interest of justice.
6. In view of the above, the present petition is allowed.

Sd-
(Narendra Kumar Vyas)
Judge

kishore