

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1316 of 2018**

1. Vijay Kumar Jain, S/o P.C. Jain, Aged about 28 years, R/o Haldibadi, Chirmiri, At present Tilak Nagar, Bilaspur, Chhattisgarh.
2. Bajrang, S/o Devi Prasad Suryawanshi, Aged about 29 years, R/o Tifra, Bilaspur, Distt. Bilaspur, Chhattisgarh.
3. Chandrabali, S/o Deviprasad Suryawanshi, Aged about 31 years, R/o Tifra, Bilaspur, Distt. Bilaspur, Chhattisgarh.
4. Satish Dixit, S/o Late R.C. Dixit, Aged about 42 years, R/o Tilak Nagar, Bilaspur, Distt. Bilaspur, Chhattisgarh.

---Petitioners**Versus**

1. State of Chhattisgarh, Through the Station House Officer, Police Station Bilha, Distt. Bilaspur, Chhattisgarh.
2. Dukhiram Suryawanshi, S/o Late Basawan Suryawanshi, Aged about 68 years, R/o Sambalpuri, Police Station Hirri, Distt. Bilaspur, Chhattisgarh.

--- Respondents

For Petitioners :- Mr. Suryakant Mishra, Advocate
 For Respondent No. 2 :- Mr. J.A. Lohani, Advocate
 For Respondent 1/State :- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/03/2021

1. The four petitioners herein seek quashment of FIR No. 121/2012 registered against them by the respondent No. 2/complainant and criminal case No. 463/2012 pending before the Judicial Magistrate First Class, Bilha, Distt. Bilaspur for offence punishable under Sections 420, 467, 468, 471 read with Section 34 and 120-B of IPC on the ground that the dispute pertaining between the parties has been settled amicably which they have also stated in their statements before the A.R.J.

2. Mr. Suryakant Mishra, learned counsel for the petitioners, would submit that the dispute between the parties has been settled amicably and at present, no such dispute exists between the parties, as such, the FIR as well as the subsequent criminal case pending against the petitioners be quashed. He would rely upon the decision rendered by this Court in the matter of **Ashish Dixit & Anr. V. State of Chhattisgarh &**

Ors.¹ decided on 31/08/2017 wherein on the basis of compromise between the parties, the prosecution for offences under Sections 407, 420, 467 and 471 has been quashed.

3. Mr. J.A. Lohani, learned counsel for respondent No. 2/complainant, would submit that the parties have compromised and settled their dispute amicably and respondent No. 2/complainant has also made the same statement before the A.R.J. on 05/03/2019.

4. I have heard learned counsel for the parties, considered their submissions and perused the records.

5. The Supreme Court, in the matter of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another**², has laid down the broad principles for quashing criminal proceedings on the basis of compromise between the parties. Paragraph 16 of the judgment states as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :

16.1. Section 482 preserves the inherent powers of the High Court to prevent an

1 CRMP No. 196/2017

2 (2017) 9 SCC 641

abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

16.2. The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

16.5. The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such

offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanor. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

6. Reverting to the facts of the present case in light of the aforesaid legal position, it is quite vivid that the dispute between the parties has been settled amicably which is apparent from

the statements of petitioners/accused No. 1 to 4 and respondent No. 2/complainant. Petitioners and respondent No. 2 are well acquainted to each other therefore, to keep harmony between them, they have settled their dispute outside the Court. Thus, following the aforesaid decision of the Supreme Court in Parbatbhai (supra), FIR No. 121/2012 registered against the petitioners by respondent No. 2/complainant and criminal case No. 463/2012 pending before the Judicial Magistrate First Class, Bilha, Distt. Bilaspur for offence punishable under Sections 420, 467, 468, 471 read with Section 34 and 120-B of IPC are hereby quashed.

7. Accordingly, the instant petition is allowed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet