

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1371 of 2018

Smt. Sarjeet Kaur, W/o Shri Gurunam Singh, Aged About 69 Years,
Caste- Sikh, Occupation- House Wife, R/o Vadala Johal, Amritsar,
Vadal Johal Punjab (Punjab) **---- Petitioner**

Versus

1. Graduate Properties Ltd. Through President Ashok Kumar Gupta, S/o Late Laxman Das Gupta, Aged About 68 Years, Caste- Baniya, R/o Block- 20/B, Plot No. 5 & 6 Nehru Nagar, West Bhilai, Tehsil and District- Durg (C.G.)
2. Ramesh Kumar Agarwal, S/o Late Babulal Agarwal, Aged About 49 Years, Jelabi Chowk, Bhilai, Tehsil and District- Durg (C.G.)
3. State of Chhattisgarh through Collector, Durg, Tehsil and District- Durg (C.G.)
4. State of Chhattisgarh, through the Superintendent of Police, P.S. Supela, District- Durg (C.G.) **---- Respondents**

For Petitioner	:	Mr. Jitendra Gupta, Advocate.
For Respondent No. 1	:	Mr. Amiyakant Tiwari, Advocate.
For Respondent No. 2	:	Mr. P.R. Patankar, Advocate.
For State/Res. No. 3 & 4	:	Mr. Rakesh Sahu, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

10/06/2021

1. The petitioner has filed present petition for quashing of the FIR dated 15.06.2018 lodged by respondent No. 1 against the petitioner- Smt. Sarjeet Kaur before Police Station- Supela, Tahsil & District- Durg (C.G.) for committing offence under Section 420, 34 of I.P.C. The FIR was registered as FIR No. 0548.
2. The brief facts, as projected by the petitioner in this case, are that a sale deed was executed between the petitioner and Graduate Properties Ltd. through its President Ashok Kumar Gupta for sale of immovable property as per description given in the sale deed (Annexure P/2) and in pursuance of the sale deed, she has received Rs. 50 lakh from respondent No. 1.

The petitioner filed a civil suit before learned First Additional District Judge, Durg (Annexure P/9) on 04.04.2018 against respondent No. 1 with a prayer that the sale deed executed between petitioner and respondent No. 1 dated 31.07.2017 be declared as null and void as it has been executed adopting fraudulent act. Thereafter, respondent No. 1 has lodged FIR against the petitioner before Police Station- Supela, Tahsil & District- Durg (C.G.) for committing offence under Section 420, 34 of I.P.C. on 15.06.2018. The petitioner has challenged the registration of FIR mainly contending that the sale deed was executed by creating undue pressure and it is purely contractual dispute and it is of civil nature. The FIR has been registered to adopt pressure tactic by respondent No. 1, therefore, in civil dispute, FIR has been lodged to take undue advantage of the criminal procedure. The petitioner has challenged that sale deed before First Additional District Judge, Durg (C.G.).

3. On above factual matrix, the petitioner has filed this petition under Section 482 of the Cr.P.C. for quashing of FIR No. 548 registered on 15.06.2018, which has been registered alleging violation of Section 420, 34 of I.P.C. by the petitioner, which amounts to abuse of process of law.
4. This petition has come up for hearing before this Court on 19.07.2018, wherein this Court has granted interim protection. During pendency of this petition, a compromise has been arrived at between the petitioner and respondent No. 1 and as per the compromise, the petitioner has to return Rs. 50 lakh, which she has received in part consideration of the sale deed from respondent No. 1 and the sale deed dated 31.07.2017 would be treated as null and void. The compromise application was filed before First Additional District Judge, Durg (C.G.). Considering the compromise application submitted by the parties, the learned First Additional District Judge, Durg (C.G.) has decreed the suit as per the compromise submitted by the petitioner and respondent No.

1. The learned trial court has granted decree by which the sale deed dated 31.07.2017 executed between the petitioner and respondent No. 1 has been declared as null and void. The petitioner has already paid Rs. 50 lakh to respondent No. 1, as such, there is no dispute between the petitioner and respondent No. 1. The compromise order dated 26.11.2018 has also been filed by the parties.
5. Learned counsel for the parties submit that since the compromise has been arrived at between the parties, the offence under Section 420, 34 of I.P.C. is now compoundable.
6. Learned counsel for the petitioner would rely upon the judgment passed by Coordinate Bench of this Court in **CRMP No. 344 of 2015 (Santosh Chandak & others Vs. State of Chhattisgarh)**. He also placed reliance upon the judgment of the Supreme Court in **B.S. Joshi & others Vs. State of Haryana & another**¹ and **Gian Singh Vs. State of Punjab**².
7. Considering the facts that now there is no dispute between the petitioner and respondent No. 1, offence under Section 420, 34 of I.P.C. has been registered against the petitioner, which relates to purchase of property and the same has been settled between the parties. The petitioner and respondent No. 1 have also been examined by the Additional Registrar (Judicial) of this Court on 27.01.2021, wherein, the petitioner and respondent No. 1 have recorded their statement and it has been said that the said dispute has been settled between the parties, the petitioner and respondent No. 1 have submitted before Additional Registrar (Judicial) that their dispute is settled and now there is no dispute between them. Respondent No. 1 has submitted that in view of the compromise arrived at between them and the judgment dated 26.11.2018 passed by learned Additional District Judge, Durg (C.G.), he does not want to prosecute the proceeding further and if the proceeding is quashed, he has no objection.

¹ (2003) 4 SCC 675

² (2012) 10 SCC 303

8. It is not in dispute that at the instance of respondent No. 1, offence under Section 420, 34 of I.P.C. has been registered against the petitioner, which relates to the purchase of property, the dispute has been settled between the parties, petitioner and respondent No. 1 have been examined before the Additional Registrar (Judicial) and they have submitted in equal words that matter has been settled and no dispute is existing. Since offence under Section 420, 34 of I.P.C. is compoundable with the leave of the Court, therefore, the FIR in question bearing FIR No. 0548 registered on 15.06.2018 against the petitioner before Police Station- Supela, Tahsil & District- Durg (C.G.) for committing offence under Section 420, 34 of I.P.C., deserves to be and is accordingly quashed in the interest of justice.
9. In view of the above, the present petition is allowed to the extent indicated hereinabove. No order as to costs.
10. Copy of this order be sent to the concerned Judicial Magistrate for closure of the case in the event of filing of charge-sheet by the State.

Sd/-
(Narendra Kumar Vyas)
Judge