

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 189 of 2014**

1. Ayush Agrawal S/o . Anand Agrawal Aged About 27 Years R/o. 188/h, Maniktala Main Road, P/70, C.I.T.Road Scheme-Vi-M, Kolkatta-700054, P.S. Phoolbagan, Distt. Kolkata W.B., West Bengal
2. Anand Agrawal S/o . Shyam Sunder Agrawal Aged About 51 Years R/o. 188/h, Maniktala Main Road, P/70, C.I.T.Road Scheme-Vi-M, Kolkatta-700054, P.S. Phoolbagan, Distt. Kolkata W.B., District : Kolkata, West Bengal
3. Abhishek Sangai S/o . Om Prakash Sangai Aged About 33 Years R/o. 120/1, Ramkrishnapur, Lane Lokenath Apartment, Howrah-711102,p.S. Shibpur, Distt. Kolkatta W.B., District : Kolkata, West Bengal

**---- Petitioners**

**Versus**

1. State of Chhattisgarh through Station House Officer, P.S. Saraswati Nagar, Raipur C.G., Chhattisgarh
2. Sandeep Kumar Agrawal S/o . Shri Inderchand Agrawal Aged About 34 Years R/o. Nehru Nagar, East Bhilai, PS. Supela, Distt. Durg C.G., District : Durg, Chhattisgarh

**---- Respondents**

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| For Petitioners:           | Shri Bhaskar Payashi, Advocate.       |
| For State/Respondent No.1: | Shri Rakesh Sahu, Dy. Govt. Advocate. |
| For Respondent No.2:       | Shri Narayan Prasad Thakur, Advocate. |

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**Hon'ble Shri Justice Narendra Kumar Vyas**

**Order On Board**

**15.09.2021**

1. The Petitioners have filed this Cr.M.P challenging the registration of FIR bearing Crime No.14/2014, registered before P.S Saraswati Nagar for commission of offence under Section 420/34 IPC. The said FIR has been registered on the basis of the complaint made by Respondent No.2.
2. From perusal of the F.I.R, it is evident that the Complainant has supplied certain materials to the Petitioners, but the payment was not released to him and therefore, the Complainant lodged

report on the basis of which present FIR was registered. Thereafter, the police authorities have made the investigation and submitted its report before the Judicial Magistrate, First Class, Raipur which is registered as Criminal Case No.16386/2016.

3. It has been contended by learned Counsel for the Petitioners that during the pendency of the present Cr.M.P, the parties have arrived at an agreement on 24.07.2014 i.e. Annexure A-6 according to which, the amount payable by the Petitioners was Rs.51,18,000/- and the said amount was to be paid within 30.09.2014, but the same could not be paid in time, therefore, the agreement was not given effect to. However, the Petitioners have paid an amount of Rs,51 lacs to Respondent No.2 on various occasions i.e. Rs.20 lacs, Rs.15 lacs & Rs.16 lacs on 18.07.2014, 17.11.2014 and 08.09.2017 respectively but Respondent No.2 was not satisfied as there is a delay in payment of the same, therefore, this Court has again directed him to refund the entire amount or to settle the dispute. In pursuance of the direction given by this Court on 09.08.2021, the Petitioners and Respondent No.2 have settled their dispute and settlement has been arrived at between them. The Petitioners have again paid Rs.7,18,000/- to Respondent No.2 towards full and final settlement of dispute.
4. This Court vide its order dated 1-9-2021 has directed the petitioners and respondent No. 2 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 6-9-.2021. In pursuance of the direction of this Court, the petitioners and respondent No. 2 entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondent No. 2 is not willing to continue with the criminal proceedings and prayed for quashment of criminal proceedings of Criminal Case No. 16386 of 2015 arising out of FIR No.14 of 2014 dated 24-1-2014. Respondent No.2 has stated that he has voluntarily deposed that statement, it has been executed without

fear, pressure or undue influence from the petitioners.

5. Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**<sup>1</sup>, 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.”

6. Though the offence under Section 420/34 is non-compoundable but this can be quashed with the leave of this Court.
7. 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 petitioners. Further, this court is of the opinion that the

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<sup>1</sup> (2019) 5 SCC 688

continuation of criminal proceeding will be nothing, but to an abuse of process of law. Accordingly, Criminal Case No. 16386 of 2015) pending before the learned Judicial Magistrate First Class, Raipur as well as FIR bearing registration No. 14 of 2014 registered against the petitioners at Police Station- Saraswati Nagar, District Raipur (C.G.) for committing offence punishable under Section 420/34 of I.P.C., deserves to be and is hereby quashed.

8. In view of the above, the present petition is allowed. No order as to costs.
9. Copy of this order be sent to the concerned Judicial Magistrate First Class, Raipur for necessary compliance and closure of the proceedings.

Sd/-  
**(Narendra Kumar Vyas)**  
**Judge**