

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1293 of 2020

- Pravit Saha S/o Late Shri Paresh Saha Aged About 30 Years R/o Flat No-21, Building No-E-7, Chauhan Town, Chowki Jewra Sirsa, Police Staion Pulgaon, Tahsil And District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Supela Durg District Durg, Chhattisgarh
2. Smt. Usha Singh W/o Uttam Singh Aged About 48 Years R/o Sangwari Gali, Laxmi Nagar, Bhilai, District- Durg, Chhattisgarh
3. Gowkaran Sahu S/o Mannu Lal Sahu Aged About 30 Years R/o Panchshil Nagar, Near Kua Chowk, Ward No 1, Durg District Durg, Chhattisgarh
4. Sudhir Kumar Bhandari S/o Jagdish Bhandari Aged About 41 Years R/o Pragati Nagar, Risali, Bhilai, District Durg, Chhattisgarh
5. Yagraj Keshra S/o Bhuneshwar Keshra Aged About 26 Years R/o H. No 756, Purani Basti, Kohka, Bhilai, District - Durg, Chhattisgarh

---- Respondents

For Petitioner : Shri T.K. Jha, Advocate

For State : Ms. M. Asha, Panel Lawyer

For Respondents No.2 to 5: Shri Praveen Shrivastava, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

06.07.2021

1. The present petition under Section 482 of the Cr.P.C. has been filed seeking quashment of FIR No. 238/2018 registered at Police Station Supela, District – Durg for the offence punishable under Section 420, 120(B) of the IPC and proceedings under Sections 173(8) Cr.P.C. as mentioned in Charge Sheet No. 1836/2020 pending before the Chief Judicial Magistrate, Durg on account of amicable settlement arrived at between the

parties.

2. Facts of the case, in brief, are that respondents No. 2 to 5 made a complaint to the Superintendent of Police, Durg that the petitioner, his mother Rita Saha induced them that accused Pradeep Jamba Sinde is doing business in forward training and it is a profitable business. On their inducement, complainant Usha Singh invested Rs. 14,35,000/- with the accused and out of which he invested only Rs. 8,35,000/-, complainant Yograj Keshra invested Rs. 3,00,000/- out of which the accused invested only Rs. 2,00,000/-, complainant Sudhir Bhandari invested Rs. 6,00,000/- out of which accused invested only 5,00,000/- and complainant Gowkaran invested Rs. 2,00,000/- which was not deposited with the company and misappropriated by the accused Pradeep Jamba Sinde. FIR was registered before the police station Supela District Durg as FIR No. 238/2018 under Section 420, 120-B of IPC.
3. The Police after investigation submitted challan before the Judicial Magistrate First Class, Durg which was registered as 1836/2020. Originally charge sheet was filed against the accused Pradeep Jamba Sinde and Yogendra Kumar Haldhar only. Subsequently, supplementary charge sheet was filed under Section 173(8) Cr.P.C. where in the petitioner and his mother Rita Saha were also made accused. During the pendency of the trial respondents No. 2 to 5 settled their dispute with the present petitioner and sworn affidavits on 20.08.2020 before the Notari, Durg indicating that they do not want to continue with the criminal case in connection with Crime No. 283/2018 for the

offence under Sections 420, 34 IPC, as they have already settled their dispute with the petitioner.

4. On the basis of settlement of the dispute, the petitioner filed present Cr.M.P. for quashment of the offence under Sections 420, 120(B) of IPC. This Court vide its order dated 06.11.2020 issued notice to the respondents No. 2 to 5 and also given liberty to the petitioner and respondents No. 2 to 5 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 10.12.2020. In pursuant to the direction of this Court, the petitioner and respondents No. 2 to 5 entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondents No. 2 to 5 are not willing to continue with the criminal proceedings and prayed for quashment of the FIR No. 238/2018. They submitted that they have voluntarily deposed their statement that it has been executed without fear, pressure or undue influence from either party.
5. 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

¹ (2019) 5 SCC 688

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. 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 proceedings 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 238/18 and proceeding under Section 173(8) Cr.P.C. as per Charge Sheet No. 1836/2020 offence under Section 420, 120-B of IPC registered against the petitioner at Police Station- Supela, District- Durg (C.G.), deserve to be and are hereby quashed so far as it relates to the petitioner **Pravit Saha** in the interest of justice.
7. In view of the above, the present petition is allowed. No order as to costs.
8. Copy of this order be sent to the concerned Judicial Magistrate for necessary compliance and closure of the proceedings.

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