

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1341 of 2020**

- Aashish Jaiswal S/o Harishchandra Jaiswal Aged About 43 Years R/o Behind Of Balram Talkies, Police Station Civil Line, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh, District Korea (Chhattisgarh),
- Manoj Kumar Mandal S/o Late Lochan Mandal Aged About 64 Years R/o Ward No. 7, Khongapani, Colliery Police Station Jhagrakhand, District Korea (Chhattisgarh)

---- Respondents

For Petitioners	: Shri S.B.Pandey, Advocate
For Respondent No.1/State	: Shri Uddhaw Sharma, Dy.GA
For Respondent No.2	: Shri Ritesh Verma, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****02/12/2021**

The present petition has been filed for quashing of the criminal proceedings in connection with Crime No. 336/2016, registered for the offence under Section 420,34 of the Indian Penal code; Section 4 & 5 of the Chit Fund and Money Circulation Act, 1978 with Section 10 of the Chhattisgarh Benefit of Depositors Act.

2. It is contended that both the parties have settled the dispute and the statements of the parties have been recorded and they have contended that they do not want to further continue with the criminal

case as they have entered into the compromise, therefore, the proceedings of the criminal case may be quashed. Both the parties have filed a joint affidavit dated 27.09.2021 to this effect.

3. As per the case of the complainant/respondent No.2, the petitioner has cheated and induced his property and on the report having been made, the offence under Sections 420,34 IPC and Section 4 & 5 of the Chit Fund and money Circulation Act, 1978 and Section 10 of the Chhattisgarh Benefit of Depositors Act was registered. The contention of the counsel for the parties is that since the subject matter of the dispute had been settled between the appellant and the respondent No.2 it would be unreasonable to continue with the criminal proceedings and therefore the compounding application was filed on the ground that the parties have settled the issue, the compromise may be effected and now no grievance against the petitioner survives, the proceedings arising out the FIR in question be brought to an end.

4. Hon'ble Apex Court In the matter of **Gian Singh Vs. State of Punjab and Another** reported in **(2012) Vol. 10 SCC 303**, has stated that the position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of

any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime in question and has laid down the above principles and held that :

“In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

5. It is a well settled law that where the High Court is convinced that the offences are entirely personal in nature and therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them.

6. Thus, after carefully considering the facts and circumstances of the case, as also the law relating to the continuance of criminal cases where the complainant and the accused had settled their differences and had arrived at an amicable arrangement and in view of the statement made by the respondent No.2, the FIR in question warrants

to be put to an end and the proceedings emanating thereupon needs to be quashed.

The petitioner is acquitted of the charges leveled against him. The CRMP stands allowed. The Crime No. 336/2016 registered against the petitioner at police station Manendragarh, District Koriya under Section 420,34 of the Indian Penal code; Section 4 & 5 of the Chit Fund and Money Circulation Act, 1978 with Section 10 of the Chhattisgarh Protection of Debtors Act and the impugned criminal proceedings are hereby quashed.

Sd/-

(Rajani Dubey)
Judge