

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1011 of 2021**

1. Deepak Rana, aged about 38 years, S/o Omprakash Rana, R/o Durpa Road, Korba (C.G.)
2. Navnit @ Anshu Paleriya, aged about 40 years, S/o late Pramod Paleriya, R/o Block 15, Korba (C.G.)
3. Rajesh Sindhu, aged about 35 years, S/o Omprakash Sindhu, R/o MIG 2/50, Pt. Ravishankar Nagar, Korba (C.G.)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through P.S. - Balco, District Korba, C.G.
2. Ajay Kumar Pandey, aged about 35 years, S/o late Mohan Kumar Pandey, by Occupation Business R/o A-16, SS Green Colony, Korba City Kotwali, District Korba (C.G.).

---- Respondents

For Petitioners	:	Mr. Parag Kotecha, Advocate
For Respondent/State	:	Mr. Anurag Verma, P.L.
For Respondent No.2	:	Mr. Ashutosh Pandey, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****14/12/2021**

Heard.

02. The petitioners have filed this CRMP against the order dated 06.09.2021 passed by the learned Additional Chief Judicial Magistrate, Korba, and to quash proceeding in Criminal Case No.901/2017, whereby the learned Additional Chief judicial Magistrate refused to accept the compromise application of the parties on the ground that offence under Section 407 IPC is compoundable by the owner of the property with the permission of the Court.

03. Factual aspects of this case disclosed that the petitioners Nos. 1 and 3, who are the owner of the truck, changed the good quality of coal from the substandard which was loaded under the contract of complainant – Respondent No.2. The good quality coal was dumped in the plot of petitioner No.2 and thereby committed

breach of trust.

04. Learned counsel for the petitioners submits that the matter has already been compromised between the parties and it is borne out from the compromise that respondent No.2-Complainant is not inclined to proceed further in the matter.

04. In compliance to the Court's order dated 08.12.2021, statements of the parties got recorded on the very day before the Additional Registrar (Judl.) with regard to genuineness of the compromise. The execution of the compromise by way of recording statement is admitted by the parties. In view of the compromise entered into between the parties, the second respondent has no objection to quash the entire proceedings of Criminal Case No.901/2017 in connection with Crime No.20/2017 registered at Police Station Balco Nagar, Korba (C.G.).

06. In this regard, it is worth to mention here a decision rendered in **Gian Singh V. State of Punjab and Another** reported in **[(2012) 10 SCC 303]**, wherein the Apex Court has held thus:-

“Power of High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from power of a criminal court of compounding offences under Section 320 – Cases where power to quash criminal proceedings may be exercised where the parties have settled their dispute, held, depends on facts and circumstances of each case – Before exercise of inherent quashment power under S.482, High Court must have due regard to nature and gravity of the crime and its societal impact.”

07. In view of compromise arrived at between the parties and applying the ratio in decision of **Gian Singh** (Supra), I deem it just and proper to invoke inherent powers of this Court under Section 482 Cr.P.C.

08. Accordingly, the present petition is allowed and the order dated 06.09.2021 as also proceeding in Criminal Case No.901/2017 are hereby quashed.

Sd/-

(Rajani Dubey)
Judge