

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1364 of 2020

Rajesh Thapaliyal, S/o Late Gunanand Thapaliyal, Aged About 44 Years, Director- M/s. Fortune Brand Image India Private Limited, 208, Westend Mall, District Centre Janakpuri, New Delhi- 110058.

--- Petitioners

Versus

1. State of Chhattisgarh, through it's Secretary, Home Department, Mantralaya, Naya Raipur, Tahsil & Civil/Revenue District- Raipur (C.G.)
2. Director General of Police, Police Head Quarter, Raipur (C.G.)
3. Superintendent of Police, Durg, District- Durg (C.G.)
4. Station House Officer, Police Station- Mohan Nagar, Durg, Tahsil & District- Durg (C.G.)
5. Rakesh Roshan, S/o Mahendra Mishra, Aged About 42 Years R/o Hotel Sagar International, Station Road, Mohan Nagar, Durg, Tahsil & District- Durg (C.G.)

--- Respondents

For Petitioner	:	Mrs. Annpurna Tiwari, Advocate.
For State/res. 1 to 4	:	Mr. Gurudev I. Sharan, Govt. Advocate.
For Respondent No. 5	:	Mr. G.R. Burman, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

07/09/2021

1. The petitioner has filed this petition under Section 482 of the Cr.P.C. for quashment of entire proceeding and FIR No. 0198/2020 registered on 25.06.2020 (Annexure P/1) against the petitioner at Police Station- Mohan Nagar, Durg (C.G.) for committing offence punishable under Section 385 of I.P.C.
2. Learned counsel for the petitioner submits that during pendency of this petition, the parties have settled their dispute.
3. Learned counsel for respondent No. 5 does not oppose the submission made by learned counsel for the petitioner.

4. 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 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.”

5. This Court vide order dated 13.08.2021 directed the petitioner & respondent No. 5 to record their statement before Additional Registrar (Judicial) of this Court on 31.08.2021 and in pursuance of this Court's order, the petitioner- Rajesh Thapaliyal & respondent No. 5- Rakesh Roshan, recorded their statements, in which, they have unequivocally submitted that their dispute is settled and now there is no dispute between them and they do not want to prosecute the proceeding further.
6. In view of the said legal position, considering the facts and circumstances of the case as also the fact that the parties have amicably settled their dispute 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 continuation of the

¹ (2019) 5 SCC 688

criminal proceeding will be nothing, but an abuse of process of law. Accordingly, FIR No. 0198/2020 registered on 25.06.2020 (Annexure P/1) against the petitioner at Police Station- Mohan Nagar, Durg (C.G.) for committing offence punishable under Section 385 of I.P.C., deserves to be and is hereby quashed in the interest of justice.

7. In view of the above, the present petition is allowed to the extent indicated hereinabove.

Sd/-
(Narendra Kumar Vyas)
Judge

Arun