

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1491 of 2020**

- Suresh Nihal S/o J.S. Nihal, Aged About 56 Years, R/o New Shanti Nagar, Raipur District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Station House Officer, New Rajendra Nagar Police Station, Raipur, District Raipur Chhattisgarh.
2. Inderpal Singh Chawla S/o Late Surendra Singh Chawla Director Gentle Entertainment Pvt. Ltd R/o Near Akashdeep Hospital, New Rajendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Yogendra Pandey, Adv.
For State	: Shri Anurag Verma, PL
For Respondents No. 2	: Shri Sachidanand Yadav, Adv.

Hon'ble Smt. Justice Rajani Dubey, J.
Order on Board

25.11.2021

1. Heard.
2. By this petition quashing of FIR No. 80/2019 under Section 420, 409, 120B, 34 of IPC registered at Police Station New Rajendra Nagar, District Raipur is sought by the petitioner.
3. Both the parties have filed a Joint Affidavit dated 05.11.2020 reporting compromise between themselves. The execution of the compromise petition by way of filing of Joint Affidavit is admitted by the parties. In view of the compromise entered into between the parties, the respondent No.2/complainant has no objection to quash the entire proceedings in connection with aforementioned FIR.

4. The factual aspects of this case discloses that the dispute is with regard to deceitful misappropriation of an amount of Rs. 53,13,700/- by the petitioner against which the complainant/respondent No.2 Inderpal Singh Chawla had lodged a complaint. Complainant stated in his statement that as the subject matter of dispute has been amicably resolved and now no grievance against the petitioner survives therefore, the proceedings arising out of FIR in question be brought to an end.

5. The Hon'ble Supreme Court in the matter of **Prabhatbai Aahir Vs. State of Gujarat & Another** passed in **(2017) 9 SCC 641** held in para 16 as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.

6. The Hon'ble Supreme Court has recognized the need of amicable resolution of dispute in cases like the instant one in **Gian Singh Vs. State of Punjab and Another** in **(2012) v 10 SCC 303** by observing as under:

“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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. 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. In such cases, pursuing prosecution would be waste of time and energy. Non-compoundable offences are basically an obstruction in entering into compromise. In certain cases the main offence is compoundable but the connected offences are not. In the case of **B.S. Joshi and Others Vs. State of Haryana and another (2003) 4 SCC 675** the Hon'ble Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. In the nutshell, the Hon'ble Apex Court justified the exercise of powers under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice in view of the special facts and circumstances of the case, even where the offences were non-compoundable.
8. In the light of the aforesaid matters, this Court is of the view that notwithstanding the fact the offence under Section 409 and 120-B IPC are non-compoundable offence, there should

be no impediment in quashing the FIR under these Sections, if the Court is otherwise satisfied that the facts and circumstances of the case so warrant.

9. In the facts and circumstances of this case and in view of statement made by the respondent No.2, the FIR in question warrants to be put to an end and proceedings emanating thereupon need to be quashed.
10. Accordingly, this petition is allowed and FIR No. 80/2019 under Section 420, 409, 120B, 34 of IPC registered at Police Station New Rajendra Nagar, District Raipur (C.G.) and the proceedings emanating therefrom are quashed against the petitioner.
11. The petition is accordingly disposed of.

**Sd/-
(Rajani Dubey)
Judge**

V/-