

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1450 of 2020

1. Sanjay Gupta, S/o Shyam Gupta, Aged About 48 Years, R/o E10, Phase- A Kailash Colony, New Delhi 110048.
2. Mohammad Wasim, S/o Mohammad Salim, Aged About 37 Years, R/o T-112, Sarai Kaley Khan, East Nizamuddin, New Delhi 110013.

--- Petitioners

Versus

1. State of Chhattisgarh, Through: Station House Officer, Police Station- Katghora, District- Korba (C.G.)
2. Shashikant Sinha, S/o Shri Ravi Sinha, Aged About 32 Years, Presently residing at Kedarpur, Ambikapur, Surguja (C.G.), Permanent R/o C-33, Songanga Colony Sarkanda, Tehsil & District- Bilaspur (C.G.)

--- Respondents

For Petitioners	:	Mr. Manish Nigam, Advocate.
For State/res. No. 1	:	Mr. Gurudev I. Sharan, Govt. Advocate.
For Respondent No. 2	:	Mr. Sumit Singh, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

07/09/2021

1. The petitioners have filed this petition under Section 482 of the Cr.P.C. for quashment of FIR No. 0295/2020 registered on 13.11.2020 (Annexure P/1) against the petitioners at Police Station- Katghora, District- Korba (C.G.) for committing offence punishable under Sections 420, 409 & 34 of I.P.C.
2. Learned counsel for the petitioners submits that during pendency of this petition, the parties have settled their dispute.
3. Learned counsel for respondent No. 2 does not oppose the submission made by learned counsel for the petitioners.
4. Hon'ble the Supreme Court in case of **State of Madhya Pradesh**

Vs. Laxmi Narayan & others¹, 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 16.08.2021 directed the petitioners & respondent No. 2 to record their statement before Additional Registrar (Judicial) of this Court on 25.08.2021 and in pursuance of this Court's Petitioner No. 2- Mohammad Wasim (on behalf of petitioner No. 1-Sanjay Gupta also as per Authority Letter) & respondent No. 2- Shashikant Sinha, 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. 0295/2020 registered on 13.11.2020 (Annexure P/1) against the petitioners at Police Station- Katghora, District- Korba (C.G.) for committing offence punishable under Sections 420, 409 & 34 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