

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 744 of 2019

- Shriram Singh S/o Tejbahadur Singh Aged About 44 Years R/o C-203, 9 Galaxy Building, Ramdevpur, Near Sardar Vallabh Bhai Patel School, Meera Road, East Meera Bhandar, Thane Maharastra, District- Thane (M.H.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Director General Of Police Head Quarter Raipur, District Raipur Chhattisgarh
3. Inspector General Of Police Durg Range, District Durg Chhattisgarh
4. Superintendent Of Police District Rajnandgaon Chhattisgarh
5. Station House Officer Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh
6. Vikas Singh S/o Puroshottam Thakur Aged About 26 Years R/o Ward No. 1, Meregaon, P.S. Ambagarh Chowki, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner : Shri Tanuj Patwardhan, Advocate

For State : Shri Uddhav Sharma, G.A.

For Respondent No. 6 : Shri Rishi Sahu, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

27.09.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India seeking quashment of the criminal proceeding in Criminal Case No. 495/2015 pending before the Judicial Magistrate First Class, Ambagarh Chowki, Rajnandgaon and FIR No. 240/2014 registered under Section 420, 34 IPC on 30.07.2021 at Police Station -Rajnandgaon against the petitioner and one Jyoti Tiwari.

2. It is contended by the learned counsel for the petitioner that Jyoti Tiwari is main accused and he has been implicated in the case. She had taken money, therefore, she has committed offence under Section 420 IPC. During the pendency of the petition, petitioner and the complainant have settled their dispute. The main accused Jyoti Tiwari has been acquitted from the charges. On the basis of compromise arrived at between the petitioner and respondent No. 6, the petitioner has filed this writ petition (criminal) for quashment of the criminal proceeding and FIR on count that since the main accused Jyoti Tiwari has also settled dispute with respondent No. 6, therefore, criminal proceedings and FIR against him may also be quashed.
3. Considering the submission, this Court vide its order dated 06.09.2021 has directed the petitioner and respondent No. 6 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 21.09.2021. In pursuance of the direction of this Court, the petitioner and respondent No. 6 entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondent No. 6 is not willing to continue with the criminal proceedings against petitioner and prayed for quashment of the FIR No. 240/2014 as well as Criminal Case No. 495/2015. He has stated that he has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from 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

¹ (2019) 5 SCC 688

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 impart 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. Learned counsel for the petitioner would further submit that non-bailable warrant has also been issued against the petitioner.
6. In view of the said legal position, considering the facts and circumstances of the case, the fact that the parties have amicably settled dispute between them 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 petitioner. Further, this court is of the opinion that the continuation of criminal proceeding will be nothing, but to an abuse of process of law. Accordingly, Criminal Case No. 495/2015 pending before the Judicial Magistrate First Class, Ambagarh Chowki, Rajnandgaon and FIR No. 240/2014 registered under Section 420, 34 IPC on 30.07.2021 at Police Station - Rajnandgaon registered so far as it relates to the petitioner-Shriram Singh only, deserve to be and are hereby quashed.
7. It is made clear that criminal proceedings against other accused persons namely Subhash Jha, Rohit Kumar and Pankaj Mishra shall continue, if not quashed in any other proceedings.
8. Since, the FIR as well as criminal proceedings against the petitioner have been quashed, the very purpose of the non-bailable warrant issued against the petitioner loses its significance, no fruitful purpose will be served on execution of the non-bailable warrant against the petitioner, therefore, the

non-bailable warrant issued against the petitioner-Shriram Singh is also quashed. It is made clear that criminal proceedings including criminal trial and any other proceedings initiated against other accused persons namely Subhash Jha, Rohit Kumar and Pankaj Mishra, shall continue.

9. In view of the above, the present petition is allowed. No order as to costs.
10. Copy of this order be sent to the concerned Judicial Magistrate for necessary compliance and closure of the proceedings against petitioner Shriram Singh only.

**Sd-
(Narendra Kumar Vyas)
Judge**

kishore