

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2230 of 2018

- Sushil Pandey S/o Shri Omkar Pandey Aged About 35 Years R/o Budhi Mai Ward ,Maharajpur, police Station Maharajpur District Mandla Madhya Pradesh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Station Police Station Khairagarh, district Rajnandgaon Chhattisgarh.
2. Bharat Verma S/o Late Jagdish Verma R/o Village Mehroom (Kala) Police Station Khairagarh, district Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner : Shri Manoj Paranjpe and Shri Anshul Tiwari,
Advocates

For State : Shri Rakesh Sahu, Dy. Government Advocate

For Respondent No.2: Shri Ashutosh Shukla, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

07.09.2021

1. The present petition under Section 482 of the Cr.P.C. has been filed seeking quashment of the entire proceedings in Criminal Case No. 775/2014 pending before the learned Additional Chief Judicial Magistrate, Khairagarh, District - Rajnandgaon arising out of FIR No. 177/2013 registered at Police Station - Khairagarh District – Rajnandgaon for the offence punishable under Section 420 / 34 of the IPC and Sections 3 and 4 of the Prize Chits and Money (Circulation) Banning Act, 1978.
2. Learned counsel for the petitioner would submit that during the pendency of this petition, compromise has arrived at between the petitioner and complainant-respondent No.2. Considering the submission, this Court vide its order dated 29.07.2021 has directed the petitioner and respondent No. 2 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 26.08.2021. In pursuance of the direction of

this Court, the petitioner and respondent No. 2 entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondent No. 2 is not willing to continue with the criminal proceedings and prayed for quashment of FIR No. 177/2013 registered at Police Station - Khairagarh District – Rajnandgaon as well as Criminal Case No. 775/2014 pending before the learned Additional Chief Judicial Magistrate, Khairagarh. He has stated that he has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from the petitioner.

3. 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.”

4. 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

¹ (2019) 5 SCC 688

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, FIR No. 177/2013 registered at Police Station - Khairagarh District – Rajnandgaon as well as Criminal Case No. 775/2014 pending before the learned Additional Chief Judicial Magistrate, Khairagarh for committing offence punishable under Section 420 / 34 of the IPC and Sections 3 and 4 of the Prize Chits and Money (Circulation) Banning Act, 1978, deserve to be and are hereby quashed in the interest of justice so far as it relates to complaint made by respondent No. 2 – Bharat Verma only. In case, other complainants are involved, FIR and Criminal Case with respect to them against the petitioner shall continue. This is made clear that no opinion has been expressed on the complaint made by other complainants, if filed against the petitioner.

5. In view of the above, the present petition is allowed.
6. Copy of this order be sent to the concerned Judicial Magistrate for necessary compliance and closure of the proceedings.

Sd-
(Narendra Kumar Vyas)
Judge