

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1451 of 2020**

Ramsingh Yadav S/o Dwarika Yadav Aged About 50 Years
Occupation Director (Yadav Loha Bhandar) , R/o Kursi Road, Mishrapur,
Police Station Gudamba , District Lucknow (Uttarpradesh), District :
Lucknow, Uttar Pradesh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Police Station Punjipathara , District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Rabindra Nath Pradhan S/o Murlidhar Pradhan Proprietor of Anjali Steel Ltd. Village Ujjanpur, Post Gairwani, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

-----Respondents

For the Petitioner Mr. Kalpesh Ruparel, Advocate
For the Respondent No.1 Mr. Vimlesh Bajpai, Govt. Advocate
For the Respondent No.2 Mr. Amit Buxy, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****21.12.2023.**

1. The instant petition is preferred under Section 482 of the Cr.P.C. for quashing the Criminal proceedings in Criminal Case No. 451 of 2020 pending before the 1st Civil Judge/ JMFC, Gharghoda, District Raigarh arising out of FIR No. 123/2019 registered at Police Station Punjipatra, District Raigarh for the offence under Section 407, 34 IPC.
2. The brief facts of the case are that the complainant is the factory manager of Anjali Steel Ltd. Village Ujjanpur since 2004. The company manufacturing of TMT. On 19.06.2019 the complainant has sent the material to Yadav Loha Bhandar, Vikas Nagar Lakhnau bearing truck No. UP-78 FN 5050 which has not received to their destination. When the matter was inquired, it was informed that the owner and the driver have

sold the material then they have misappropriate the material thereby the offence under Section 407 IPC was registered against the petitioner.

3. Counsel for the petitioner would submit that during pendency of the present CrMP, the complainant has received the entire amount as claimed by the him. To substantiate his submission, he has filed the application for taking document on record which is supported by filing the affidavit of the petitioner paragraph No. 2 and 3 is as under;-

(2)- That in the instant case the petitioner is given the iron rod amounting Rs. 10,85,760/- to the respondent No.2 upon such consideration there is settlement between the parties. Copies of details of bank account of Yadav Loha Bhandar Pvt. Ltd.

(3)- That the respondent No.2 is filed an compromise letter whereas he is stated that he was refunded the sale consideration amount and there is a compromise between the parties, this document is filed before the trial Court it will be produced before the Hon'ble Court also while during the Course of hearing.

4. Counsel for the respondent No.2 has not been disputed the factual matrix and would submit that he has received the entire amount of Rs. 10,85,760/- as such he has no objection if the proceedings is quashed.
5. Considering the fact that the complainant has received the entire amount of Rs. 10,85,760/- and the complainant is not interested to further prosecute in the matter, it would be in the interest of justice to quash the FIR No. 123/2019 registered at Police Station Punjipatra, District Raigarh (C.G.) and consequential criminal proceedings pending before learned Judicial Magistrate First Class, Gharghoda, District Raigarh under Criminal Case No. 451 of 2020, parties being Ramsingh Yadav V. State of Chhattisgarh and another are hereby quashed.
6. Copy of the order be communicated to the concerned Court for compliance.

Sd/-

(Narendra Kumar Vyas)
Judge