



2025:CGHC:47732-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 316 of 2024**

Atul Kumar Singh S/o Late Shri Narayan Singh Aged About 57 Years Director,
Om Sai Beverages Pvt. Ltd., R/o B-67, Street No. 12, Smriti Nagar, Bhilai ,
District : Durg, Chhattisgarh (Address Wrongly Mentioned In F I R).

... Petitioner(s)**versus**

1 - State of Chhattisgarh Through Station House Officer, P.S. Telibandha,
District : Raipur, Chhattisgarh

2 - Inesh Sharma S/o Late Shri Babulal Ji Sharma Aged About 53 Years R/o
52/2, Jail Road, Indore (Mp) Authorised Representative And Power Of Attorney
Holder Of M.P. Beer Products Ltd.

3 - M.P. Beer Products Ltd. (A Company Duly Incorporated Under The Indian
Companies Act) Having Its Address At- 60-62-64, Sector-A, New Industrial
Area, Sanwer Road, Indore (Mp) Through Its Authorised Representative And
Power Of Attorney Holder Shri Inesh Sharma

... Respondent(s)**(Cause Title Taken from Case Information System)**

For Petitioner(s)	: Mr. Kashif Shakeel, Advocate.
For Respondent No. 1	: Mr. Swajit Ubeja, Panel Lawyer
For Respondent No. 2 & 3	: Mr. Kunal Das, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Bibhu Datta Guru, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****17/09/2025**

1. Heard Kashif Shakeel, learned counsel for the petitioner. Also heard Mr.

Swajit Ubeja, learned Panel Lawyer for the State/respondent No. 1 as well as Mr. Kunal Das, learned counsel for the respondent No. 2 and 3.

2. By this petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, the Cr.P.C.), the petitioner seeks quashing of FIR bearing Crime No. 646/2022 registered at Police Station, Telibandha, District Raipur (Annexure A/1) as well as consequential proceedings of Criminal Case No. 15277/2024, pending against the petitioner including the charge memo dated 10.01.2025 (Annexure P/6), order of cognizance dated 12.09.2024 and order dated 03.03.2025 (Annexure P/8).
3. The facts, in brief, as projected by the petitioner are that the petitioner is the Director of Om Sai Beverages Pvt. Ltd which is involved in the trading of liquors. In the year 2019-2020, there was change in liquor policy and in pursuance to the same the petitioner's Company was granted license for supply of liquor to the Chhattisgarh State Beverages Corporation (*for short, the Corporation*). The respondent No. 3 Company is also involved in the manufacturing and supply of liquor. Respondent No. 3 came into contact with the petitioner's Company and gave consent to the commence wholesale business of their brands under the FL 10 A License in the State of Chhattisgarh in terms of the agreement entered between the parties. In the year 2020, the Corporation demanded consent letter for transferring the stock of the respondent No. 3 Company which was given by the respondent No.2 being authorised representative of respondent No. 3 Company in favour of petitioner's Company.
4. Certain stock of the respondent No. 3 had already expired while lying in the godown of the Corporation and as per the policy of the Corporation the same is destroyed after intimating the parties after preparing *panchnama* and inspection by a Committee. A dispute was raised

between the parties with regard to the destroyed stock and on basis of suspicion the respondent No. 3 through respondent No. 2 filed complaint before the Police and thereafter before the JMFC under Section 156 (3) of CrPC. The stock was destroyed as per the prevailing practise made under the law but monetary loss was incurred upon the respondents due to which dispute arose between the parties which got escalated resulting into lodging of the present F.I.R. Later on as the petitioners have decided to compensate the losses incurred by the private respondents therefore the parties have arrived into amicable settlement and on 24.01.2024 through a deed of settlement executed by and between the respondent No. 2 & 3 and the petitioner.

5. Mr. Shakeel, learned counsel for the petitioner submits that as the respondent No. 3 Company has authorised respondent No. 2 to act and plead on their behalf to enter into compromise and represent before any authority or Court, in view of the above facts and circumstances, the petitioner has approached this Hon'ble Court by way of the present petition seeking to invoke its inherent powers under Section 482 of the Cr.P.C for quashing the FIR No. 646/2022, registered at Police Station Telibandha, District Raipur, qua the petitioner and consequential proceedings/orders arising there from.
6. It is further submitted by Mr. Shakeel that the Police has filed the charge-sheet against the petitioner before the competent Magistrate and on 12.09.2024 the learned JMFC Raipur has taken cognizance of the case and Criminal Case No. 15277/2024 has been registered against the petitioner under Sections 409, 420, 467, 468, 471, 34 of IPC. On 10.01.2025, the learned Judicial Magistrate First Class, Raipur framed charges against the petitioner under section 420, 467, 468, 471 of Indian

Penal Code. On 13.02.2025 the respondent No. 2 and the petitioner appeared before the learned trial Court and filed an application under Section 320(2) and 320(8) of Cr.P.C before the learned JMFC Raipur for compromise. On 03.03.2025 the learned JMFC, Raipur after hearing both the parties upon the above applications on ground of compromises has compounded Section 420 of IPC against the petitioner and acquitted him from the same and has directed that trial would continue for the offences under Sections 467, 468 and 471 of IPC.

7. It is lastly submitted by Mr. Shakeel that the parties have reached a settlement by executing a deed of settlement wherein the complainant has agreed to extend therequisite cooperation required for closure of the entire consequential proceedings arising out of the FIR. In such scenario, permitting the proceedings arising out of the FIR to continue would be otiose and would cause unnecessary hardships to the parties to the present petition, therefore, in view of the law laid down by the Apex Court in ***Manoj Sharma v. State and others***, (2008) 16 SCC 1, ***B.S. Joshi v. State of Haryana & others***, (2003) 4 SCC 675 and ***Gian Singh v. State of Punjab & another***, (2012) 10 SCC 303, the impugned FIR, charge-sheet and the consequential criminal proceedings, may be quashed.
8. Mr. Swajit Ubeja, learned Panel Lawyer appearing for the State/respondent No. 1 as well as Mr. Kunal Das, learned counsel appearing for the respondents No. 2 and 3 do not controvert the above submission. Mr. Das submits that the dispute between the parties have been resolved and the respondents No. 2 and 3 do not wish to prosecute the petitioner any further.
9. The petitioner has filed a copy of the order sheets of the learned trial

Court as Annexure P/8, and the order sheet dated 03.03.2025 states that the application for compromise between the parties have been accepted and the petitioner has been acquitted of the charges under Section 420 of IPC and the trial for the offence under Section 467, 468 and 471 of the IPC would go on.

10.As the petitioner and the respondent No. 2 and 3 have mutually resolved their disputes amicably and keeping in mind the ratio laid down by the Apex Court in **Manoj Sharma** (supra), **B.S. Joshi** (supra) and **Gian Singh** (supra) and also taking into consideration that the dispute between the parties from which the impugned FIR has emanated has been amicably settled, this Court is of the view that no useful purpose would be served in proceeding any further against the petitioner in this matter.

11.In view of the above, the FIR (Annexure P/1) bearing Crime No. 646/2022, dated 10.10.2022 registered at Police Station, Telibandha, District Raipur, the consequential proceedings of Criminal Case No. 15277/2024, pending against the petitioner including charge memo dated 10.01.2025 (Anexure P/6), the order of cognizance dated 12.09.2024 and the order dated 03.03.2025 (Annexure P/8) so far it relates to the petitioners, are quashed.

12.Resultantly, this petition stands **allowed**.

Sd/-
(Bibhu Datta Guru)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit

AMIT
KUMAR
DUBEY
Digitally signed by
AMIT KUMAR
DUBEY
Date: 2025.09.18
16:19:23 +0530