

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 892 of 2015

1. Supreet Singh Saluja S/o Jagdeep Singh Saluja Aged About 30 Years R/o House No. 487, Shantinagar, Chungfa Restaurant Building, Supreet Hotel, Raipur, Police Station Civil Line, Raipur, Distt. Raipur Chhattisgarh.
2. Jagdeep Singh Saluja S/o Late Shri Gurucharann Singh Saluja Aged About 58 Years R/o House No. 487, Shantinagar, Chungfa Restaurant Building, Supreet Hotel, Raipur, Police Station Civil Line, Raipur, Distt. Raipur Chhattisgarh.
3. Smt. Inderpal Kour W/o Jagdeep Singh Saluja Aged About 55 Years R/o House No. 487, Shantinagar, Chungfa Restaurant Building, Supreet Hotel, Raipur, Police Station Civil Line, Raipur, Distt. Raipur Chhattisgarh.

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, Raipur Chhattisgarh.
2. Gursimran Kour Saluja W/o Supreet Singh Saluja Aged About 28 Years At Present R/o HIG-172, Padmnabhpur, Durg, District Durg Chhattisgarh.

---- **Respondents**

For Petitioners – Shri Vipin Tiwari, Advocate.
 For Respondent/State – Smt. M. Asha, PL.
 For Respondent No.2 – Shri Anurag Jha, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/10/2015

1. Petition is against the order dated 24/04/2015 passed by the JMFC, Raipur in Criminal Case No.827/2015. By this order the application filed by the parties i.e. accused and the complainant under Section 320 (1) (2) of the Cr.P.C. has been dismissed by the court of JMFC Raipur.
2. The brief facts of this case are that the petitioner No.1 Supreet Singh Saluja was married to the respondent No.2 Gursimran Kour Saluja

on 7/10/2013. Consequently, the marriage could not go along and as a result of dispute, report was lodged against the petitioners who are husband father-in-law and mother-in-law being petitioner No.2 and 3. After such report was made charge sheet was filed before JMFC and the Criminal Case No.827/2015 is pending. During the course of trial in the criminal case the application under Section 320 (1) of the Cr.P.C. was filed by the parties on the ground that they have amicably settled the dispute and the complainant do not want to continue with the dispute any more as they have decided to stay separated and are living separately. Consequently, criminal case between the parties may be quashed.

3. During the course of proceeding before this court, the accused/husband the father-in-law and the mother-in-law petitioners No.2 and 3 are present as also respondent/complainant is present in person. Complainant expressed her desire that she do not want to continue with the criminal case. On being enquired by the State counsel same is also fortified that she do not want to continue with the criminal case as they have settled the dispute and do not want to continue with the rigor of criminal case.

4. The Hon'ble Supreme Court in ***Gian Singh v. State of Punjab & Another***¹ has laid down the following principles :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory

1 (2012) 10 SCC 303

limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding

would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

62. In view of the above, it cannot be said that *B.S. Joshi, Nikhil Merchant and Manoj Sharma* were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the Bench(es) concerned”

5. The Hon'ble Supreme Court in ***B.S.Joshi & Ors. v. State of Haryana & Anr.***² has held as under :

“14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

6. Furthermore, the Hon'ble Supreme Court in case of ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another***³ has examined scope of compromise under Section 320 of Cr.P.C. in offence of

² (2003) 4 SCC 675

³ (2013) 4 SCC 58

non-compoundable nature.

7. The Hon'ble Supreme Court referred to various cases and has laid down that in cases of matrimonial matters, court should exercise power under Section 482 of Cr.P.C. sparingly and only it may exercise when the court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed.

8. In the instant case, complainant/wife is present in person and submits that matter has already been settled and she is living separately and do not want to continue with the criminal case on the basis of compromise entered and she submits that she has received the amount in lieu of the compromise. Compromise application is also placed on record. On enquiry being made complainant submits that entire amount has been received as per agreement dated 21 May 2014. In view of this, since it is been submitted that compromise has been done without any fear or favour it would be in the interest of justice to quash the proceeding of Criminal Case No.827/2015 pending before JMFC, Raipur.

9. In the result, proceedings of Criminal Case No.827/2015 pending before JMFC, Raipur is quashed. Petitioners are acquitted of the charges.

10. Accordingly, the petition stands allowed.

Sd/-
(Goutam Bhaduri)
JUDGE