

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 585 of 2016**

- Rajesh Chouhan S/o Ram Narayan Singh Chouhan Aged About 46 Years Govt. Service, I.T.I., Bhopal, R/o N-2/a, R 150 E Sector, Barkhoda, B.H.E.L. Bhopal, Madhya Pradesh.

---- Petitioner**Versus**

1. Smt. Shweta Chouhan W/o Rajesh Chouhan Aged About 35 Years D/o Shri B.S. Thakur, R/o 52, Sai Darshan Colony, Jora Krishak Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh.
2. Kumar Astha D/o Rajesh Chouhan Aged About 15 Years Through Natural Guardian Mother Smt. Shweta Chouhan, D/o Shri B.S. Thakur, R/o 52, Sai Darshan Colony, Jora Krishak Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh.
3. Minor Achitnoy Aged About 12 Years Through Natural Guardian Mother Smt. Shweta Chouhan, D/o Shri B.S. Thakur, R/o 52, Sai Darshan Colony, Jora Krishak Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Respondents

For Petitioner
For Respondents

Mr. P. Kichariya, Advocate
Mr. Atnu Ghosh, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****28.11.2016**

1. The present Petition has been filed under Section 482 of the Cr.P.C with a prayer for quashment of the case No. 45/2016 pending before the first Additional Principle Judge, Family Court Raipur and the order dated 03.05.2016.
2. Considering the fact that both the parties have entered their appearance before the Court below where the Court is trying for

reconciliation, without entering into the merits of the case this Court is of the opinion that the present Petition under Section 482 of the Cr.P.C. is premature at this stage for this Court to exercise its power under section 482 of the Cr.P.C. and interfering with the proceeding pending before the Court below at the conciliation stage.

3. The only ground which the Petitioner has raised questioning the maintainability of the present application i.e. Case No. 45/2016 is that there was already an earlier round of litigation between the parties which were withdrawn by virtue of a compromise. Subsequently, the present application i.e. Case No.45/2016 has been filed with malafide intention of harassing the Petitioner. This Court is of the opinion that it may not be a strong ground for interfering with the proceeding before the Court below at this stage. Also there is no reason why the Petitioner cannot apprise all those facts and contention which he intends to bring before this Court in the present Petition under Section 482 Cr.P.C. to the Court below.
4. Reserving the right of the Petitioner to apprise the Court below all the contentions and objections so far as the maintainability of the proceeding before the Court below is concerned, the present Petition stands dismissed as premature at this stage.

Sd/-

(P. Sam Koshy)
JUDGE