

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1277 of 2016**

1. Ravishankar Vaishnav S/o Late Ramdas Vaishnav Aged About 34 Years (Wrongly Mentioned As 24 Years), R/o Mahant Lane, Purani Basti, Kharsiya, Raigarh, Tahsil & District Raigarh, Chhattisgarh. Present R/o C.R.P.F. Battalion No.168, Constable No. 041682408, Village Darripara, Tahsil Gariyaband, District Gariyaband, Chhattisgarh.
2. Smt. Savita Vaishnav Wd/o Late Ram Das Vaishnav Aged About 52 Years
3. Gaurav Vaishnav S/o Raju Vaishnav Aged About 23 Years
4. Purnima Vaishnav D/o Late Ramdas Vaishnav Aged About 32 Years

Petitioner No.2 to 4 are R/o Mahant Lane, Purani Basti Kharsiya, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- **Petitioners**

Versus

Smt. Dipti Vaishnav W/o Ravishankar Vaishnav Aged About 29 Years R/o Mahant Lane, Purani Basti, Kharsiya Raigarh, Tahsil & District Raigarh, Chhattisgarh. Present R/o Baikunthpur, Near Bavli Well, House Of Khiredra Kumar Bairagi, Raigarh Tahsil & District Raigarh, Chhattisgarh.

---- **Respondent**

For Petitioners

Shri Vaibhav A Gowardhan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

23/11/2016

1. The present petition under Section 482 CrPC has been filed assailing the order dated 17.11.2015 passed by the Chief Judicial Magistrate, Raigarh which has been further affirmed in Criminal Revision No.202200001312015 by the Vth Additional Sessions Judge, Raigarh, vide order dated 15.03.2016, rejecting the application under Section 205 CrPC filed by the petitioners.

2. The respondent in the present petition is the wife of petitioner No.1 and daughter in law of petitioner No.2. Petitioners No.3&4 are the brother in law and sister in law of the respondent.
3. Facts of the case in brief are that, on a complaint lodged by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005, the petitioners are being prosecuted. The said complaint was lodged on 06.01.2015 and the case was registered and is pending consideration before the court of Chief Judicial Magistrate, Raigarh. Meanwhile, the petitioners have moved an application under Section 205 CrPC for dispensing with their personal appearance before the court which was initially rejected by the trial court on 17.11.2015. The revisional court also rejected the said prayer on 15.03.2016 affirming the order of trial court, leading to filing of this petition under Section 482 CrPC.
4. Without entering into the merits of the case, this court feels it proper for remitting the matter back to the trial court on the ground that the object behind rejection of said application under Section 205 CrPC by the trial court was with an intent to explore the possibility of reconciliation between the petitioners and the respondent. Accepting the said view and object of the court below, it is directed that the court below, if possible, on the very next date of hearing or if not, on the day thereafter, shall call upon both the disputing parties and hold reconciliation proceeding. If necessary, the trial court can also hold a mediation between the disputing parties and explore the possibilities of an out of court amicable settlement. In the event, if the said mediation or reconciliation proceedings between the parties fails, then the

petitioners shall be at liberty to move a fresh application under Section 205 CrPC and on such application being moved by the petitioners, the court below shall take a prompt decision without being influenced by the earlier orders dated 17.11.2015 and 15.03.2016.

5. With the aforesaid observations, the petition stands disposed of.

SD/-
(P. Sam Koshy)
Judge