

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1200 of 2016

1. Mukesh Yadav S/o Late Punit Yadav Aged About 30 Years (Husband) R/o Bajrang Nagar, Urla, Durg, District Durg, Chhattisgarh.
2. Santosh S/o Late Punit Yadav Aged About 26 Years R/o Bajrang Nagar, Urla, Durg, District Durg, Chhattisgarh.
3. Smt. Chandrika Bai W/o Late Punit Yadav Aged About 50 Years R/o Bajrang Nagar, Urla, Durg, District Durg, Chhattisgarh.
4. Smt. Yogeshwari @ Pramila Yadav W/o Mukesh Yadav Aged About 24 Years Present R/o Bam Bhola Chowk, Charoda, Bhilai, Police Station Newai, District Durg, Chhattisgarh. (Wife).

---- Petitioners

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri R.S. Baghel, Advocate
For State	:	Shri D.R. Minj, Dy.Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2016

Heard.

1. Accused -Mukesh Yadav, Santosh, Smt. Chandrika Bai and Complainant -Smt.Yogeshwari @ Pramila Yadav are all present in the Court. All of them are represented by the counsel and counsel submits that there was dispute between the husband and wife namely Mukesh Yadav and Smt. Yogeshwari which led initiation of various civil and criminal proceedings. A report was lodged in the police station alleging commission of offence under Section 498-A IPC. At the same time, certain civil proceedings which included prayer for grant of maintenance was also instituted by the wife. The husband also moved an application for restitution of conjugal rights before the Family Court. Various

steps were taken to bring about amicable settlement between the parties taking into consideration that because of lack of coherent relationship, it is now not possible for Mukesh Yadav and Smt. Yogeshwari to live together and perform their marital obligations. For the larger interest of both the parties, members of the respective family, they all have now decided to bring to an end all kind of disputes and withdraw various proceedings pending in different Courts. In this changed circumstances, to end all kind of dispute, to have their separate way and again resettle in their respective life in future, the parties have decided after giving thoughtful considerations to various aspects not to proceed against each other in any proceedings. Because of this development which is not an outcome of any coercion, fraud or any kind of collusion between the parties, Smt. Yogeshwari is also not willing to proceed against her husband or other relatives.

2. The parties have placed on record an agreement entered into between the parties which reflects the decision of the parties not to proceed against each other in future for reasons which have been elaborately stated in the agreement. The parties who are present before the Court have stated that they have entered into this agreement in larger interest of families including husband and wife both and they have not been pressurized by any external force.
3. This Court also specifically asked complainant- Smt. Yogeshwari with regard to background in which the agreement has been entered upon and they say that they have entered into agreement voluntarily without any kind of pressure from any external force because they want to have their way separate in times to come.
4. Learned counsel for the petitioner submits that in view of the above circumstances, this Court may exercise its extraordinary power under Section 482 Cr.P.C. to quash the criminal proceedings against accused- Mukesh Yadav, Santosh and Smt. Chandrika Bai which was instituted on the complaint of Smt. Yogeshwari @ Pramila Yadav.
5. The scope and ambit of power under Section 482 Cr.P.C. was examined by the Supreme Court in the cases of **B.S. Joshi and Ors. Vs. State of Haryana & Anr.** (2003) 4 SCC 675, **Gian Singh Vs. State of Punjab & Anr.** (2012) 10 SCC 303 as also in the case of **Narinder Singh & Ors. Vs. State of Punjab & Anr.** (2014) 6 SCC 466.

In the case of **B.S. Joshi** (supra), it was 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 the 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.”

The aforesaid legal position has been reiterated in varying circumstances in subsequent decisions of the Supreme Court.

6. In view of the aforesaid circumstances and various decisions of the Supreme Court as also this Court, in the opinion of this Court, in view of aforesaid developments, it would be in the interest of justice to all the parties that the Criminal Case No.285 of 2011 and all other connected proceedings pending in the Court of Judicial Magistrate First Class, Durg, be quashed.
7. Therefore, in exercise of power under Section 482 Cr.P.C., the aforesaid criminal case and all proceedings are quashed.
8. A copy of this order be sent to the concerned Magistrate for needful action. The parties shall also submit certified copy of this order before the concerned Magistrate.
9. The petition is accordingly allowed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge