

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1287 of 2016**

1. Sajiban Sengupta S/o Late Dr. Shourish Ranjan Sengupta Aged About 36 Years Occupation- Homeopathy Doctor, R/o House No. 14, Pranab Complex, Borsibhata, Police Station Pulgaon, District Durg, Chhattisgarh.
2. Smt. Manjula Sengupta W/o Late Dr. Shourish Ranjan Sengupta Aged About 67 Years Housewife, R/o House No. 14, Pranab Complex, Borsibhata, Police Station Pulgaon, District Durg, Chhattisgarh.
3. Dr. Sarbhanu Ranjan Sengupta S/o Late Dr. Sourish Ranjan Sengupta Aged About 45 Years Occupation Physician, R/o Ispat Nagar, H. No. - Risali, Police Station Newai, Bhilai, District Durg, Chhattisgarh.
4. Smt. Sumita Sengupta W/o Sarbhanu Sengupta Aged About 36 Years Occupation Lecturer, R/o Ispat Nagar, H. No. - Risali, Police Station Newai, Bhilai, District Durg, Chhattisgarh.

---- Petitioners

**Versus**

1. State Of Chhattisgarh Through The Station House Incharge, Mahila Police Station Durg, Chhattisgarh.
2. Smt. Indrani Sengupta W/o Sanjiban Sengupta R/o L.I.G. 225, H.U.D.C.O., Bhilai, District Durg, Chhattisgarh.

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Smt. Arati Chanda and Ms. Shipra Biswas, counsel for the petitioner/s.  
Shri B.Gopakumar, Dy.A.G. for the State.  
Smt. Gouri Chakraborty, counsel for respondent No.2.  
Petitioners No.1, 2, 3, 4 and respondent No.2 are also present in the Court.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**05/01/2017**

Learned counsel for both the parties submit that initially there was dispute between the parties which led to filing of complaint by respondent No.2 against the petitioner alleging commission of offence under Section 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961. It is submitted that later on, parties have sorted out dispute and settled amicably and it has been decided without any pressure

from outside but only in the interest of the petitioner and respondent No.2 to seek divorce by mutual consent and towards that decision, an application for grant of decree of divorce by mutual consent has also been filed before the Family Court at Durg which is still pending.

2. Petitioner No.1 – Husband and respondent No.2 - the wife, both have supported averments made in the petition on affidavit and have said that they have amicably settled all their disputes in the larger interest of their future and other family members without any pressure exerted from outside or without any lure.

3. 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**.

4. 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.

5. In view of the aforesaid circumstances and various decisions of the Supreme Court as also this Court and taking into consideration the entire aspect of the matter, I am inclined to accept the submission made by learned counsel for the parties and quash the criminal proceedings.

6. Therefore, in exercise of power under Section 482 Cr.P.C., Criminal Case No.4524/2014 pending before the Judicial Magistrate, First Class, Durg, and its proceedings are quashed.

7. 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.

8. The petition is accordingly allowed.

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