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HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 1315 of 2016

Arshad Khan, S/o. Shri Mustafa Khan, Aged About 43 Years, R/o. Guru Govind Singh Ward, Behind Mayur Club, Puranbada Raipur, Civil & Revenue District -Raipur, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station Civil Lines, Raipur, District -Raipur, Chhattisgarh.
2. Aashma Khan, W/o. Arshad Khan, Aged About 38 Years, R/o. Guru Govind Singh Ward, Behind Mayur Club, Puranbada Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondents

AND

CR.M.P. No. 1320 of 2016

1. Smt. Akila Khan, W/o. Vakaar Ahmed Khan, Aged About 35 Years, R/o. Fauwara Chowk, Gappa Manzil, Byron Bazar, Raipur, District Raipur, Chhattisgarh.
2. Smt. Anjumant Qureshi, W/o. Altaf Qureshi, Aged About 50 Years, R/o. Company Garden, Baitul, District -Baitul, Madhya Pradesh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station- Civil Lines, Raipur, District Raipur, Chhattisgarh.
2. Aashma Khan, W/o. Arshad Khan, Aged About 38 Years, R/o. Guru Govind Singh Ward, Behind Mayur Club, Puranbada Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondents

For Petitioners	: Mr. Anand Dadariya & Mr. Syed Imtiaz Ali, Advocates
For Respondent No.1/State	: Mr. Anil S. Pandey, Govt. Advocate
For Respondent No.2	: Mr. Salim Kazi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/08/2017

Heard.

1. Cr.M.P. No.1315/2016 has been brought by the petitioner – Arshad Khan with a prayer to quash the FIR No.552/2016 dated 10.09.2016,

registered in Police Station -Civil Lines, Raipur, District – Raipur against him for the offence under Section 498-A, 323, 504 and 506 of the Indian Penal Code. Similar prayer has been made in Cr.M.P. No.1320/2016 by the petitioners – Smt. Akila Khan and Smt. Anjumant Quareshi.

2. Respondent No.2 lodged one FIR in Police Station – Civil Lines, Raipur. On the basis of her information, offence under Section 498A, 323, 504, 506 of Indian Penal Code have been registered against the petitioners in both the cases. During the pendency of the investigation, the respondent No.2 has compromised with the petitioners in both the cases and the parties have resolved their disputes amicably, consequent to which these petitions have been filed.
3. By orders of this Court, the statement of respondent No.2 has been recorded by the Registry of this Court in which, respondent No.2 Aashma Khan has stated on oath, that she has compromised the dispute with her husband and in-laws and consequent to that she is residing with her husband, the petitioner in Cr.M.P. No.1315/2016. Hence, for these reason, she agreed that criminal proceedings initiated on her complaint against the petitioners in both the cases be withdrawn.
4. Considering that, this had been a matrimonial dispute between the parties, although the penal law has role to play but matrimonial life of the petitioner in Cr.M.P. No.1315/2016 and respondent No.2 is at stake for which liberal approach has to be taken in these kind of cases, as the case is still under investigation and that offence under section 498A of I.P.C. is not compoundable, looking to the law laid down by the Hon'ble Supreme Court in case of ***Gian Singh v. State of Punjab &***

Another reported in ***(2012) 10 SCC 303***, this petition deserves to be allowed. Hence both the petitions are allowed. FIR No.552/2016, dated 10.09.2016, registered at Police Station – Civil Lines, Raipur, District – Raipur against the petitioners in both the cases is hereby quashed.

5. Accordingly, both the petitions stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram