

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1397 of 2017**

1. Satnam Singh Saluja, S/o. Ravinder Singh Saluja, Aged About 29 Years, R/o. LIG 186-188, Deendayal Puram, Anand Nagar, Khandawa Police Station: Moghat Road, District: Khandawa, Madhyapradesh. Presently Residing at 702 Prestige Tower, Chala, Vapi, Police Station Vapi, District Valsad, Gujarat.
2. Ravinder Singh Saluja, S/o. Lt. Guruvachan Singh Saluja, Aged About 62 Years, R/o. LIG 186-188, Deendayal Puram, Anand Nagar, Khandawa Police Station: Moghat Raod, District Khandawa, Madhyapradesh.
3. Smt. Jasbir Kaur, W/o. Ravinder Singh Saluja, Aged About 56 Years, R/o. LIG 186-188, Deendayal Puram, Anand Nagar, Khandawa Police Station: Moghat Road, District Khandawa, Madhya Pradesh

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh, Through Police Of Police Station Mahila Thana, District Bilaspur, Chhattisgarh.
2. Harlin Kaur Saluja, W/o. Satnam Singh Saluja, Aged About 27 Years, R/o. C/o. Shri Ajit Singh Luthra, In Front Of Central Gurudwara, Gondpara, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

**---- Respondents**

---

|                     |   |                                        |
|---------------------|---|----------------------------------------|
| For Petitioners     | : | Shri Vaibhav P. Shukla, Advocate       |
| For Respondent No.1 | : | Shri Neeraj Sharma, Dy. Govt. Advocate |
| For Respondent No.2 | : | Shri K.P.S.Gandhi, Advocate            |

---

**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**14/11/2017**

Heard

1. The instant petition is filed to quash the criminal case registered against the petitioners in connection with Crime No.6/2016 registered at Mahila Thana Bilaspur, District Bilaspur, for the offence punishable under Section 498-A, 294, 506 read with Section 34 of Indian Penal Code.
2. Learned counsel for the petitioners and respondent No.2 would submit that petitioner No.1, Satnam Singh Saluja, was married to respondent No.2, Harlin Kaur, on 20.01.2016, thereafter, they could not go along and eventually a report was made by the respondent No.2 which gave rise to the

offence under Section 498-A, 294, 506 read with Section 34 of I.P.C. It is contended that during the course of time, the application under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of the marriage was also filed wherein it was agreed that the petitioners shall pay Rs.12 Lacs to the respondent No.2 at the time of passing of the decree under Section 13-B of the Hindu Marriage Act. Consequently, it is stated that the FIR and proceedings of Crime No.6/2016 may be quashed as the parties have amicably settled their dispute and the respondent No.2, the complainant, do not want to continue her report.

3. The parties were directed to record their statement before the Additional Registrar (Judicial) wherein the complainant Harlin Kaur had stated that the report was made under Section 498-A, 294, 506 read with Section 34 of I.P.C. which was registered in Crime No.6/2016, in such crime, the settlement has been arrived at and she do not want to prosecute such report and also do not want any action in Crime No.6/2016.
4. The Hon'ble Supreme Court in **Gian Singh v. State of Punjab & Another**<sup>1</sup> has laid down the following principles :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious

---

<sup>1</sup> (2012) 10 SCC 303

impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

**62.** In view of the above, it cannot be said that B.S. Joshi, Nikhil Merchant and Manoj Sharma were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the Bench(es) concerned”

5. The Hon'ble Supreme Court in ***B.S. Joshi & Ors. v. State of Haryana &***

***Anr.***<sup>2</sup> has 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 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.”

6. The principles laid down by the Supreme Court clearly leads to an irresistible conclusion that a dispute which arise out of a matrimonial nature where the wrong is basically private or personal in nature and parties have resolved their entire dispute, the High Court may quash the criminal proceedings. If the High Court finds it to be unfair and contrary to the interest of justice to continue with the criminal proceeding despite settlement and compromise between the victim and the wrongdoer and make put to an end to the criminal case.
7. The statement of the victim and petitioner No.1 which is recorded would show that the parties have settled their dispute without any undue influence or pressure and the certified copy of the application under Section 13-B of Hindu Marriage Act, 1955 would show that an amount of Rs.12 Lacs has been agreed to be paid to the respondent No.2 at the time of decree. Considering the same, since the complainant do not want to prosecute in terms of the settlement of payment of money, it would be in the interest of justice to quash the proceedings of Crime No.6/2016, which has been registered for the offence under Section 498-A, 294, 506 read with Section 34 of I.P.C. against the petitioners arising out of the complaint made by the respondent No.2. The petitioners are acquitted of the charges and the FIR has been quashed. The petitioners shall be obliged to pay Rs.12 Lacs at the time of passing of the decree in a case under Section 13-B of the Hindu Marriage Act and in the eventuality of non-payment of amount for any reason or whatsoever, the FIR shall revive to its original number.
8. With such observation, the petition stands disposed of.