

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 74 of 2017

1. Smt. H. Sarojni W/o H. Parvateeswara Rao, Aged About 69 Years
2. H. Parvateeswara Rao, S/o Late Suryaprakash Rao, Aged About 75 Years
3. H. Srinivas Prasad, S/o H. Parvateeswara Rao, Aged About 47 Years
4. H. Mohan Prasad, S/o H. Parvateeswara Rao, Aged About 39 Years

No. 1 to 4 are R/o Victory College, Kottapetta, Kotobommali Mandalam, District Srikakulam Andhra Pradesh

5. Smt. S. Usha @ H. Usha W/o S. Satyanarayana, Aged About 38 Years
6. S. Satyanarayana S/o S. Appa Rao, Aged About 41 Years

No. 5 & 6 are R/o Door No. 36 - 91- 71 Ravindra Nagar, Khancharpalam Vishakhapatnam Andhra Pradesh

---- Petitioners/accused

Versus

1. State Of Chhattisgarh Through The Station House Officer, Mahila Police Station, Raipur District Raipur Chhattisgarh
2. Smt. M. @ H. Pushpalata, W/o H. Mohan Prasad, Aged About 30 Years D/o M. K. Murthy, R/o Quarter No. 171/1 Engineering Colony Kharun Rail Vihar Ganj, Raipur District Raipur Chhattisgarh

---- Respondent

For Petitioners : Shri JK Gupta, Advocate.
For Respondent No.1/State : Shri Rahul Tamaskar, P.L.
For Respondent No.2 : Shri Devershi Thakur, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

06/02/2017

With the consent of the parties, the matter is heard finally.

02. Marriage of petitioner No.4 was solemnized with respondent

No.2 on 10.5.2007 and out of the wedlock, the couple is having a male child S. Kiran Aditya, aged about 8 years. Unfortunately, some disputes cropped up between the husband and wife resulting in lodging of FIR by respondent No.2/wife against the petitioners, based on which offence under Section 498A/34 of IPC was registered against the petitioners under Crime No.02/2012 at Police Station - Mahila Thana, Raipur. After filing of charge sheet, Criminal Case No.03/2013 was registered against the petitioners and the same is pending before the Judicial Magistrate First Class, Raipur.

However, subsequent to registration of criminal case, the petitioners and respondent No.2 have amicably resolved their disputes outside the Court and on 22.6.2016 an application under Section 13B of Hindu Marriage Act was jointly filed by petitioner No.4 and respondent No.2 for grant of decree of divorce by mutual consent. The said application is reported to be pending before the concerned Family Court. Thereafter, on 25.6.2016 the parties have also filed an application before the Judicial Magistrate First Class for quashment of the criminal proceedings against the petitioners by compounding the offence under Section 498A/34 of IPC. However, by the order dated 25.6.2016 the said application being not maintainable has been rejected by the Court below. It is this order which has been assailed by the petitioners in this petition filed under Section 482 of Cr.P.C. seeking quashment of the criminal proceedings against the petitioners pending in the form of Criminal Case No.03/2013 before the Judicial Magistrate First Class, Raipur in relation to offence under Section 498A/34 of IPC.

03. On the previous date, the parties have appeared before this Court and made statement that they have arrived at compromise. Respondent No.2 has made a categorical statement that she has compromised the matter without any fear, pressure or inducement; is no more interested to pursue her criminal case and has no objection to the quashment of criminal proceedings against the petitioners. She has also stated that a decree of divorce has already been granted by the Family Court on 19.1.2017. Statements of the parties were recorded by the Registrar (Judicial), which are annexed with the record. This apart, respondent No.2 has also filed her affidavit clearly stating therein that all the matters between the parties are being settled outside the Court for the sake of peace and harmony within the family.

04. Thus, in the facts and circumstances of the case and also in the light of decisions of the Hon'ble Apex Court in the matters of ***B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675, Gian Singh Vs. State of Punjab and another, (2013) 1 SCC (Cri) 160 and Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466***, the present petition is allowed and the entire criminal proceedings against the petitioners pending in the form of Criminal Case No.03/2013 before the Judicial Magistrate First Class, Raipur arising out of Crime No.02/2012 registered at Police Station - Mahila Thana, Raipur in relation to offence under Section 498A/34 of IPC, are hereby quashed.

Sd/
(Pritinker Diwaker)
Judge