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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1523 of 2017**

1. Pankaj Nayak S/o Acchelal Aged About 33 Years R/o Irrigation Colony Village Rampur, Police Station Rampur, District Korba Chhattisgarh., Chhattisgarh
2. Satyabhama W/o Acchelal Aged About 60 Years R/o Irrigation Colony Village Rampur, Police Station Rampur, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Poonam Patel Wife of Ramakant D/o Accheram, Aged About 40 Yrars, R/o Irrigation Colony Village Rampur, Police Station Rampur, District Korba Chhattisgarh. **--- Petitioners**

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Out Post Rampur Thana Citi Kotwali Korba, District Korba Chhattisgarh., Chhattisgarh

- Smt. Kamini Nayak, W/o Pankaj Nayak, Aged About 29 Years R/o Village Takrapur, Police Station And Tahsil Dabhra, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh **--- Respondents**

For Petitioners	:	Mr. Banhimon Roy, Advocate
For Respondent No.1/State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****30.01.2018**

1. The instant petition is for quashing of FIR which stands registered as Crime No. 571/2017 at Police Out Post Rampur Police Station City Kotwali Korba, for the offences punishable u/s 498-A/34 of IPC.
2. The FIR was lodged by respondent No.2, Smt. Kamini Nayak that she was married to petitioner No.1 Pankaj Nayak and thereafter she was subjected to cruelty by the petitioners for not fulfilling the demands of dowry. Thereafter FIR was

lodged by her on 16.09.2017 which was registered as Crime No.571 of 2017.

3. Learned counsel for the petitioners would submit that the statement of the complainant has been recorded wherein it is stated that certain compromise has been entered into between the parties and therefore she do not want to prosecute her FIR any further as she is living with her husband, therefore, the FIR No. 571/2017 registered at Police Out Post Rampur P.S. city Kotwali Korba, may be quashed.
4. A perusal of the record would show that the statement of the complainant Kamini Nayak was recorded before the Registrar (Judicial) wherein she stated that she has entered into compromise with her in-laws and she do not want any further prosecution against the petitioners Pankaj Nayak, Satyabhama and Poonam Patel therefore the FIR No.571/2017 may be quashed.
5. The Hon'ble Supreme Court in **Gian Singh v. State of Punjab & Another¹** 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

1 (2012) 10 SCC 303

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 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.

6. Further, in case of *B.S. Joshi & others V. State of Haryana (2003) 4 SCC 675* the Supreme Court has held as under:

“14. There is no doubt that the object of introducing Chapter XX-A containing section 498-A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A 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 the 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.

7. 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.
8. The statement of the victim recorded before the Additional Registrar (Judcial) would show that she do not want any further action against the petitioners. Considering the same

and in view of the principles laid down by the Supreme Court, it would be in the interest of justice to quash the FIR relating to Crime No.571/2017 registered at Police outpost Rampur Police Station City Kotwali, Korba.

9. In the result the petition is allowed. The proceedings of FIR No. 571/2017 of Police Out-Post Rampur Police Station City Kotwali Kobra for the offence punishable under section 498-A read with section 34 of IPC is hereby quashed.

**Sd/-
(Goutam Bhaduri)
Judge**

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