

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 992 of 2019**

1. Nihar Agrawal S/o Shri Anil Kumar Agrawal, Aged About 32 Years, Occupation Service, Working As Branch Manager, Gulf Ashley Motor Limited, Bilaspur
2. Anil Agrawal S/o Late Shri Rajendra Das Aged About 64 Years Occupation - Retired
3. Smt. Sarita Agrawal W/o Shri Anil Agrawal, Aged About 55 Years Occupation - Housewife
4. Ms. Nikita Agrawal D/o Shri Anil Agrawal Aged About 25 Years

All R/o 401, Adinath Parisar, Ganga Nagar, Mangla, Police Station
- Civil Lines, Bilaspur , Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Shilpy Agrawal W/o Shri Nihar Agrawal, Aged About 31 Years R/o BR-9, Agyey Nagar Extension, Bilaspur Chhattisgarh
2. State Of Chhattisgarh, Through The District Magistrate, Bilaspur Chhattisgarh.

---- Respondent

For Petitioners	Ms. Anubhuti Marhas, Advocate,
For Respondent No.1	Mr. Venkatesh Tiwari, Advocate
For Respondent/State	Ms. Shivali Dubey, Panel Lawyer

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****25/6/2019**

1. Heard.
2. This is a petition filed under Section 482 of Cr.PC for quashment

of the proceedings in Criminal Case No.488/2019 pending in the Court of JMFC, Bilaspur in respect of FIR bearing Crime No.903/2017 registered at Police Station Civil Lines, Bilaspur for the offence punishable under Section 498-A/34 of IPC.

3. Petitioner No.1 and respondent No.1 were married at Bilaspur on 11.3.2016. On account of some differences, which became irreconcilable, the above parties moved before the Family Court for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. The said proceeding is pending before the Family Court, Bilaspur awaiting expiry of the cooling-off period of 6 months.
4. Learned counsel for the parties would submit that the parties have settled all their disputes as mentioned in para 5 of the application for grant of divorce by mutual consent. It is jointly submitted that the parties are not colluding but they have decided to give quietus to their ongoing litigation and live their own way of life after seeking divorce by mutual consent.
5. Considering the law laid down by the Supreme 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, (2012) 10 SCC 303** and **Social Action Forum For Manav Adhikar Vs. Union of India, 2018 SCC OnLine SC 1501**, wherein, the Supreme Court has held that when the parties have settled their dispute and moved joint petition for quashment of the criminal proceedings in relation to an offence,

which is not compoundable, the High Court, in exercise of powers under Section 482 of Cr.PC, is entitled to quash the proceedings.

6. Accordingly, the prayer made in the petition is allowed and the proceedings of Criminal Case No.488 /2019 pending before the Court of JMFC, Bilaspur pertaining to FIR bearing Crime No.903/2017 registered at Police Station Civil Lines, Bilaspur (CG) for the offence punishable under Section 498-A/34 of IPC, is quashed.
7. The CRMP is allowed.

Sd/-

(Prashant Kumar Mishra)

Judge

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