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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 1043 of 2019**

1. Vinay Kumar Khedia, S/o Shri Vijay Kumar Khedia, Age-33 Years.
2. Vijay Kumar Khedia, S/o Late Chunni Lal Khedia, Age 66 years,
3. Smt. Pushpa Khedia, W/o Vijay Kumar Khedia, Age 60 years,

Petitioners No. 1 to 3 are R/o Gurunanak Chowk, Manendragarh, District Koriya (C.G.), Presently R/o House No. 575 Vinoba Nagar, P.S. Tarbahar, District – Bilaspur (C.G.)

4. Smt. Madhu Goyal, W/o Shri Ajay Goyal, Age – 41 years, R/o Amarkantak Road, Pendraroad, P.S. Gourela, District Bilaspur (C.G.)

-----Petitioners.**Versus**

1. Sneha Khedia, W/o Vinay Khedia (D/o Vinod Agarwal), Age – 30 Years, R/o Sandeep Agro Product, Bahiyathan Road Surajpur, Tehsil & District – Surajpur (C.G.)
2. Vinod Agarwal, S/o Tekchand Agarwal, Aged about 50 years, R/o Sandeep Agro Product, Bahiyathan Road Surajpur, Tehsil and District – Surajpur (C.G.)
3. State of Chhattisgarh, Through S.H.O. Tarbahar Bilaspur, District Bilaspur (C.G.)

----- Respondents.

For Petitioners	: Mr. Abhishek Sinha, Adv.
For Respondents No. 1 & 2	: Mr. Ravindra Sharma, Adv.
For Respondent No. 3	: Mrs. Astha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/12/2019**

(1) This petition is directed seeking quashment of Criminal Case No. 1214/2019 registered and pending in the Court of Judicial Magistrate, First Class, Bilaspur on the ground that matter has been settled between the petitioners and respondent No. 1 and, thereafter, they moved an application for compounding the offences and the learned Magistrate has compounded the offence under Section 323 read with Section 34 of the IPC, but declined to compound the offence under Section 498-A of the IPC on the ground that offence under Section 498-A of the IPC is not compoundable even with the leave of the Court.

(2) Learned counsel appearing for the petitioners would submit that the petitioners and respondent No. 1 have settled the dispute amicably and the decree of divorce has already been granted between petitioner No. 1 and respondent No. 1 by the Family Court on 8.11.2019 on the basis of mutual consent, as such, complaint case under the Protection of Women from Domestic Violence Act, 2005 has already been dismissed as withdrawn by the Judicial Magistrate, First Class, Surajpur on 26.10.2019 being Case No. 15/2019, as such, the proceedings under Section 498-A of the IPC be quashed.

(3) On the other hand, Mr. Ravindra Sharma, learned counsel for the respondents No. 1 & 2 would submit that the matter has been compromised between the parties and there is no dispute pending between the parties as the

offence under Section 323 read with Section 34 of the IPC has already been compounded and the complaint case under the Protection of Women from Domestic Violence Act, 2005 has already been concluded.

(4) I have heard learned counsel for the parties and considered their rival submissions made herein-above and went through the record with utmost circumspection.

(5) The scope and ambit of the power conferred on this Court by Section 482 of the CrPC read with Articles 226 and 227 of the Constitution of India, in the particular context of prayer for quashing criminal proceedings has been examined by the Supreme Court in the matter of **B.S. Joshi and others v. State of Haryana and another**¹ and thereafter in the matter of **Gian Singh v. State of Punjab**², and ultimately, noticing the aforesaid decisions, finally, in **Jitendra Raghuwanshi and others v. Babita Raghuwanshi and another**³, Their Lordships of the Supreme Court in the context of matrimonial disputes resulting into criminal proceedings, held as under: -

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders."

(6) Reverting to the facts of the present case in light of the decisions rendered by the Supreme Court in the afore-cited judgment, it is quite vivid that in order to give a quietus to the matrimonial dispute, parties have settled their dispute by which the petitioners have been acquitted of the charges by the jurisdictional Criminal

Court under Section 323 read with Section 34 of the IPC and the complaint case under the Protection of Women from Domestic Violence Act, 2005 has already been dismissed as withdrawn by the Judicial Magistrate, First Class, Surajpur; the decree of divorce has already been granted to petitioner No. 1 and respondent No. 1 under Section 13(b) of the Hindu Marriage Act by the Family Court.

(7) In this case, as per direction of this Court, statements of the petitioners and respondents No. 1 & 2 have already been recorded in which they have stated that they have compromised the matter without fear or favour.

(8) In view of the aforesaid facts, since the parties have already moved on with their respective lives seeking closure and they have closed their matrimonial disputes and offence registered against them under the Indian Penal Code except Section 498-A of the Indian Penal Code has already been compounded by the trial Magistrate and the offence under the provisions of the Protection of Women from Domestic Violence Act, 2005 has been dismissed and withdrawn by learned Judicial Magistrate, First Class, Surajpur and mutual divorce has also taken place between the petitioner No. 1 and respondent No. 1 and now, there is no dispute persisting at present between the parties, in the considered opinion of this Court, quashing the proceedings for offence under Section 498-A of the IPC would be in the ends of justice, it would

bring peace to them, rather allowing the continuation of prosecution for offence under Section 498-A of the IPC would be fruitless and would be abuse of the process of the Court.

(9) In consequence, the petition is allowed and criminal proceedings in Criminal Case No. 1214/2019 pending against the petitioners in the Court of Judicial Magistrate, First Class, Bilaspur of offence under Section 498-A of the IPC are hereby quashed and the petitioners are acquitted of the said charge.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-