

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2471 of 2019**

1. Rajesh Tiwari S/o Late Shankar Prasad Tiwari, Aged about 50 years.
2. Smt. Sulochana Tiwari W/o Late Shankar Prasad Tiwari, Aged about 71 years.
3. Smt. Sharda Tiwari W/o Narmada Prasad Tiwari, Aged about 47 years.
4. Narmada Prasad Tiwari s/o Krishna Tiwari, Aged about 49 years, Both R/o Taalpuri, B Block Bhilai, Tahsil and District Durg, Chhattisgarh.
5. Smt. Shakila Khan W/o N.H. Khan, Aged about 52 years.
6. N.H. Khan S/o Ismail Khan, Aged about 54 years, Both R/o Taalpuri, B Block Bhilai, Tahsil and District Durg, Chhattisgarh.

---Accused/Petitioners**Versus**

1. State of Chhattisgarh, Through P.S. Mahila Thana Durg, Tahsil and District Durg, Chhattisgarh.
2. Smt. Alka Tiwari W/o Rajesh Tiwari, Aged about 46 years, R/o Qr. No. 1/H, Risali Sector Bhilai, District Durg, Chhattisgarh.

--- /Respondents

For Petitioners	:	Mr. P.R. Patankar, Advocate
For Respondent	:	Mr. Jitendra Gupta, Advocate
For State	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

16/12/2019

1. By way of this petition under Section 482 of the Cr.P.C, petitioners seek quashment of the criminal proceedings registered against them at the instance of respondent No. 2 herein who happens to be the wife of petitioner No. 1 for the offence punishable under Section 498A read with Section 34 of the IPC on the ground that after the filing of FIR and charge-sheet, they have amicably settled the dispute.
2. Learned counsel appearing for the parties jointly submit that parties have settled the dispute amicably and in compliance of the order dated 18/11/2019, their statements have been recorded before the Registrar (Judicial). Therefore, prosecution of the petitioners for offence punishable under Section 498A of the IPC be quashed.
3. I have heard learned counsel for the parties and gone through the records.
4. 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 another¹ and thereafter in the matter of Gian Singh v. State of Punjab², and ultimately, noticing the aforesaid decisions, finally, in Jitendra Raghuwanshi (supra), 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 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

1(2003) 4 SCC 675

2(2012) 10 SCC 303

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."

5. Reverting to the facts of the present case in light of the aforesaid decisions rendered by the Supreme Court and particularly, taking note of

the fact that petitioner No. 1 and respondent No. 2, being husband and wife, have settled their dispute amicably and are residing together and now, there is no dispute persisting between the parties at present, further proceeding of the suit would be nothing but the abuse of the process of the Court, therefore, criminal proceedings in Criminal Case No. 27527/2013 pending against the petitioners in the Court of J.M.F.C, Durg for offence punishable under Section 498-A read with Section 34 of the IPC are hereby quashed and the petitioners are acquitted of the said charges.

6. With the aforesaid observations, the present petition under Section 482 of the Cr.P.C. is allowed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet