

Criminal Misc Petition No.37 of 2020

- Petitioners

---- Respondents

Mr.A.P.Sharma, Advocate

Order On Board

1. Proceedings of this matter have been taken up through video conferencing.
2. By way of this CrMP, the petitioners seek quashment of Criminal Case No.765/2015 pending against them in the Court of the Judicial Magistrate First Class, Sakti for offence punishable under Sections 498-A and 323/34 of the IPC registered on the basis of FIR lodged by respondent No.2 stating inter-alia

that the matter has been compromised between the parties and they have settled their dispute amicably and petitioner No.1 & respondent No.2 are living together as husband and wife.

3. Statements of the parties have been recorded in which also it is revealed that the dispute has already been settled between the parties and petitioner No.1 and respondent No.2 are living together as husband and wife.

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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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 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. After hearing learned counsel for the parties, after going through the statements of the parties and in view of the decision of the Supreme Court in **B.S. Joshi** (supra), I am satisfied that it is a fit case where inherent jurisdiction of this Court under Section 482 of the CrPC can be exercised by quashing the criminal proceedings pending against the petitioners, as they have resolved their dispute amicably and petitioner No.1 & respondent No.2 are living together as husband and wife.

7. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.765/2015 pending against the petitioners in the Court of the Judicial Magistrate First Class, Sakti for offence punishable under Sections 498-A and 323/34 of the IPC are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge

B/-