

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 344 of 2015**

1. Santosh Chandak S/o Shri Kunjilal Chandak, Aged about 52 years.
2. Smt. Manju Chandak W/o Shri Santosh Chandak, Aged about 45 years.
3. Ku. Apoorva Chandak D/o Shri Santosh Chandak, Aged about 22 years.
4. Ku. Radhika Chandak D/o Shri Santosh Chandak, Aged about 24 years.
5. Om Chandak S/o Shri Santosh Chandak, Aged about 18 years.

All R/o Ganjpara, Opposite Sanjay Market, Ward No. 36, Durg Police Station City Kotwali, Durg, Distt. Durg, Chhattisgarh.

---Petitioners

Versus

1. State of Chhattisgarh, through the Station House Officer, Police Station Somani, Distt. Rajnandgaon, Chhattisgarh.
2. Smt. Rewati Bai Chandrakar Wd/o Late Shri Rikhiram Chandrakar, Caste Kurmi, R/o Thakurtola, Police Station Somani, Tahsil and Distt. Rajnandgaon, Chhattisgarh.

--- Respondents

For Petitioner	:- Mr. Jitendra Gupta, Advocate
For Respondent 1/State	:- Ms. Veena Nair, Dy. A.G.
For Respondent 2	:- Ms. Bhavika Kotecha, Advocate

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

23/06/2020

1. Proceedings of this matter have been taken up for hearing through video conferencing.
2. By way of the present petition, petitioners seek quashment of FIR No. 259/2013 dated 29/06/2013 registered at police station Somani, Distt. Rajnandgaon for offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the IPC at the instance of respondent No. 2.
3. Mr. Jitendra Gupta, learned counsel for the petitioner would submit that the civil dispute in the nature of purchase of the property has been settled with respondent No. 2.
4. Ms. Bhavika Kotecha, learned counsel for respondent No. 2 would submit that the matter has been settled and there is no dispute subsisting with the petitioners, as such, the FIR, at this stage, be quashed.
5. Ms. Veena Nair, learned State counsel would submit that petitioners are absconding and power of attorney still exists.
6. I have heard learned counsel for the parties, considered their submissions and went through the records with utmost circumspection.

7. 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** (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 enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their

1(2003) 4 SCC 675

2(2012) 10 SCC 303

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."

8. It is not in dispute that at the instance of respondent No. 2, offence under Sections 420, 467, 468, 471 read with Section 34 of the IPC has been registered against the petitioners which relates to the purchase of property which is said to have been settled between the parties and petitioners and respondent No. 2 have been examined before the Additional Registrar (Judicial), and they have unreservedly made the statement that matter has been settled and no dispute is existing between them, and since offence under Sections 420, 467, 468, 471 are compoundable with the leave of the

Court, therefore, the FIR in question registered on 29/06/2013 against the petitioners deserves to be and is accordingly quashed in the interest of justice.

9. The present petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet