

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 281 of 2020**

Brijkishore Pandey, S/o. Munna Kumar Pandey, aged about 19 years, R/o. Subhash Nagar, Ward No. 14, Bargarh, Police Station Bargarh, Orissa

---- Petitioner/Applicant

Versus

1. State of C.G. through Police Station Koni, Bilaspur (C.G.)
2. Varsha Shukla, D/o Balram Prasad Shukla, aged about 18 years, R/o Baloda, Ward No. 3, Hardi Bazar Road, Police Station Baloda, District Janjgir Champa.

(Complainant)

----Respondents

For Petitioners	: Ms. Aditi Singhvi, Advocate.
For Respondent No. 1	: Mr. Mateen Siddiqui, Dy. Advocate General.
For Respondent No. 2	: Mr. Shubhank Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/06/2020

- (1) Proceedings of the matter have been taken up through video conferencing.
- (2) Petitioner – Brijkishore Pandey filed a petition under Section 482 of the Code of Criminal Procedure seeking quashment of the registration of the offence under Section 509 Part II {State Amendment} of the Indian Penal Code, 1860 lodged by respondent No. 2 – Varsha Shukla. Pursuant to the notice issued to the petitioner & respondent No. 2, they have appeared and made statement before the Additional Registrar (Judicial) on 19.02.2020, in which the respondent No. 2

has clearly & categorically stated that she has compromised the matter as both are the students and in order to make good relations with the petitioner, she is not willing to continue the criminal case against the petitioner.

(3) I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(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 another**¹ and thereafter in the matter of **Gian Singh v. State of Punjab**², and ultimately, noticing the aforesaid decisions, finally, in **Jitendra Raghuvanshi and others v. Babita Raghuvanshi 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 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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.”

(5) Reverting to the facts of the present case in light of the decisions rendered by the Supreme Court in the afore-cited judgments (supra) and further considering the statements of the petitioner and respondent No. 2, particularly the statement of respondent No. 2, in which she has categorically stated that they have settled the dispute amicably outside the court as they are the students and in order to make good relations with the petitioner, she is not willing to continue criminal case registered against the petitioner, and further considering the entire facts situation, I am fully satisfied that it is a fit case where the prosecution of the petitioner should be discontinued in the larger interest of justice.

(6) In consequence, the petition is allowed and criminal proceedings in Criminal Case No.4357/2019 (State of C.G. v. Brijkishore Pandey pending against the petitioner in the Court of the Judicial Magistrate First Class, Bilaspur

for offence punishable under Section 509 part II (State amendment) of the IPC
are hereby quashed and the petitioner is acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

