

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 399 of 2020**

1. Vinod Patel, S/o Kholbahara Patel, aged 35 years,
2. Vijay Kumar Patel, S/o Kholbahara Patel, aged 34 years,
3. Smt. Anita Patel, W/o Parath Patel, aged 30 years,
4. Smt. Durga Dewal Patel, W/o Kholbahara Patel, aged 55 years,
5. Smt. Dhaneshwari Patel, W/o Vijay Patel,
6. Kholbahara Patel, S/o Kashram Patel, aged 58 years,

All are R/o Pragati Nagar, Road No. 11, House No. 389/1 Risali P.S. Newai Bhilai, District Durg (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Station House Officer, Police of Police Station Newai, Distt. Durg (C.G.)
2. Smt. Hitesh Patel W/o Vinod Patel, R/o Pragati Nagar, Road No. 11, House No. 389/1, Risali P.S. Newai Bhilai, District Durg (C.G.)

(Complainant)

----Respondents

For Petitioners	: Mr. Ishwar Jaiswal, Advocate.
For Respondent No. 2/complainant	: Mr. Ramsajeevan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/06/2020

- (1) Proceedings of the matter have been taken up through video conferencing.
- (2) Petitioner No. 1/husband along with five petitioners, who are in-laws of respondent No. 2/complainant, filed a petition under Section 482 of the Code of

Criminal Procedure, 1973 (henceforth “Code”) for quashment of the First Information Report being FIR No. 256/14 at the instant of respondent No. 2 (wife of petitioner No. 1) relating to offence punishable under Section 498 (A) read with Section 34 of the IPC stating that they have compromised the matter and petitioner No. 1 and respondent No. 2 are living together happily as husband & wife after settling their dispute outside the Court, in which, statements of the petitioners as well as respondents have been recorded before the Additional Registrar (J.) on 11.02.2020, in which, they have categorically stated that the petitioner No. 1/husband and respondent No. 2/wife have settled their dispute outside the court and they are living together amicably as husband & wife.

(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: -

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

“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.”

(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), it is quite vivid that parties have settled their dispute and the petitioner No. 1 and respondent No. 2 are living together happily as husband & wife in order to give quietus to the matrimonial dispute, which has arisen in the way of their life. Accordingly, it is a fit case where criminal case against the petitioners pending in the Court of Judicial Magistrate First Case, Durg deserves to be quashed.

(6) In consequence, the petition is allowed and criminal proceedings in Criminal Case No.11187/15 pending against the petitioners in the Court of the Judicial Magistrate First Class, Durg for offence punishable under Section 498-A / 34 of the IPC are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

