

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.378 of 2020

1. Sajjad Ali, S/o Shabbir Ali, aged about 26 years,
2. Shabbir Ali, S/o Gafur Ali, aged about 42 years,
3. Sajid Ali, S/o Shabbir Ali, aged about 18 years,
4. Anvari Begum, W/o Shabbir Ali, aged about 45 years,

All are R/o Omnagar, Jarhabhatha, Bilaspur, District Bilaspur (C.G.)
 (Accused)
 ---- Petitioners

Versus

1. State of Chhattisgarh, Through the Station House Officer, Police Station Mahila Thana, Raipur, District Raipur (C.G.)
 2. Smt. Rajiya Begum, W/o Sajjad Ali, aged about 24 years, R/o Ashok Nagar, Near D.L.S. College, Ekta Colony, Bilaspur (C.G.)
- Respondents

 For Petitioners: Mr. Goutam Khetrapal, Advocate.
 For Respondent No.1 / State: -
 Mr. Animesh Tiwari, Deputy Advocate General.
 For Respondent No.2: -
 Mr. Jitendra Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/06/2020

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioners four in number have filed this petition under Section 482 of the CrPC seeking quashment of First Information Report and related proceedings registered under Section 498-A read with Section 34 of the IPC on the ground that the matter has been settled between the parties and petitioner No.1 & respondent No.2 – husband & wife are living together, therefore, the proceedings be quashed.
3. Mr. Goutam Khetrapal, learned counsel appearing for the petitioners,

would submit that petitioner No.1 & respondent No.2 – husband & wife are living together, therefore, the proceedings be quashed in the light of the decision of the Supreme Court in the matter of **Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another**¹.

4. Mr. Jitendra Shrivastava, learned counsel appearing for respondent No.2, also submits that the matter has been settled and husband & wife – petitioner No.1 & respondent No.2, both, have settled their disputes amicably and are staying together as husband and wife.
5. I have heard learned counsel for the parties and considered their submissions and also went through the material available on record with utmost circumspection.
6. 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**² and thereafter in the matter of **Gian Singh v. State of Punjab**³, and ultimately, noticing the aforesaid decisions, finally, in **Jitendra Raghuvanshi** (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.

1 (2013) 4 SCC 58

2 (2003) 4 SCC 675

3 (2012) 10 SCC 303

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.”

7. Reverting to the facts of the case in the light of the decision of the Supreme Court in **Jitendra Raghuwanshi** (supra), particularly taking into account the fact that husband & wife – petitioner No.1 & respondent No.2, both, are living together as husband & wife, it is inappropriate to continue the prosecution of the petitioners for offence punishable under Section 498A read with Section 34 of the IPC.
8. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.488/2013 pending against the petitioners in the Court of Judicial Magistrate First Class, Raipur 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.

Sd/-
(Sanjay K. Agrawal)
Judge