

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.354 of 2020

1. Abhisek Ram, S/o Shri Ajay Ram, aged about 34 years,
2. Vikas Ram, S/o Shri Ajay Ram, aged about 35 years,
3. Ajay Kumar Ram, S/o Late Shri Pawas Ram, aged about 58 years,
4. Smt. Mridula Ram, W/o Shri Vikas Ram, aged about 30 years,
5. Smt. Raj Merry, W/o Shri Ajay Ram, aged about 58 years.

All are R/o Ward No.4, Shamshan Ghat Road, Omnagar, Jarhabhata,
P.S. Civil Lines, Bilaspur, Civil & Revenue Distt. Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through the District Magistrate, Bilaspur, Distt. Bilaspur (C.G.)
2. Smt. Sofiya Ram, W/o Shri Abhisek Ram, D/o Shri Masih Charan Bagh, aged about 29 years, R/o Masih Villa, Shubham Vihar, Near Lafagarh Gas Godown, Bilaspur, P.S. Civil Lines, Bilaspur, Tahsil & Distt. Bilaspur (C.G.)

(Complainant)

---- Respondents

For Petitioners: Mr. Sunil Sahu, Advocate.

For Respondent No.1 / State: -

Mr. Animesh Tiwari, Deputy Advocate General.

For Respondent No.2 / Complainant: -

Mr. Rupesh 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. Petitioner No.1 is husband and petitioners No.2 to 5 are in-laws of the complainant / respondent No.2 being relatives of petitioner No.1 and they have filed this petition under Section 482 of the CrPC for quashment of criminal proceeding registered against them on the ground that petitioner No.1 & respondent No.2 have settled their

dispute amicably and they have got the decree of divorce dissolving the marriage.

3. Statements of parties have been recorded in which also it is revealed that the dispute has already been settled between the parties and petitioner No.1 & respondent No.2 are living separately.
4. I have heard learned counsel for the petitioners and went through the material available on 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 the matter of **Jitendra Raghuwanshi and others v. Babita Raghuwanshi 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 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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. Reverting to the facts of the case in the light of the aforesaid proposition of law, it is quite vivid that petitioner No.1 and respondent No.2 – husband & wife have entered into compromise and settled their dispute amicably, as they have got the decree of divorce dissolving the marriage. Taking into consideration their statements recorded before the Registry of this Court voluntarily, I deem it appropriate not to continue the prosecution of the petitioners in the larger interest of justice.
7. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.20/2018 pending against the petitioners in the Court of the Judicial Magistrate First Class, Bilaspur for the offences punishable under Section 498-A read with Section 34 of the IPC and Sections 3 & 4 of the Dowry Prohibition Act, are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge