

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 437 of 2020**

1. Sanjeet Panda, S/o. Sarat Chandra Panda, aged about 32 years, R/o. Near Wizkids School, Sarbahal, Ward No. 01, Jharsuguda, Odisha -768201
2. Sarat Chandra Panda, S/o. Late M.M. Panda, aged about 55 years,
3. Smt. Sukanti Panda, W/o. Sarat Chandra Panda, aged about 53 years,
4. Ajeet Kumar Panda, S/o. Sarat Chandra Panda, aged about 29 years,
5. Ranjeet Kumar Panda, S/o. Sarat Chandra Panda, aged about 27 years,

Above petitioners No. 2 to 5 are R/o. Kesharinagar, Panaposh, Raurkela (m), Rourkela – 4, Sundargarh, Odisha – 769004

6. Smt. Sanjukata Nanda, W/o. Parsuram Nanda, aged about 47 years, R/o. P.C. Sarkar Lane, Arunodaya Nagar, Cuttak Sadar, Cuttack, Odisha -753012 (Accused)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through : SHO, Bhilai Nagar, Bhilai, District – Durg (C.G.)
2. Smt. Jyoti Panda, W/o. Sanjeet Panda, aged about 30 years, R/o. Near Wizkids School, Sarbahal, Ward No. 01, Jharsuguda, Odisha -768201

(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****23/06/2020**

- (1) Proceedings of the matter have been taken up through video conferencing.
- (2) Default, if any, be rectified.
- (3) Petitioner No. 1/husband along with five petitioners, who are in-laws of respondent No. 2/complainant, filed a petition for quashment of the criminal proceedings initiated by respondent No. 2– Jyoti Panda (wife of petitioner No. 1) for offence punishable under Section 498-A read with Section 34 of the IPC and Section 4 of the Dowry Prohibition Act, 1961 on the ground 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 27.02.2020, 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.
- (4) Counsel for the petitioners and respondent No. 2 jointly submits that the petitioners and respondent No. 2 have settled their dispute outside the court and staying together happily and, therefore, in view of the law laid down by the Supreme Court in the matter of **B.S. Joshi and others v. State of Haryana and another**¹, **Gian Singh v. State of Punjab**², and **Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another**³, criminal proceedings initiated against the petitioners may be quashed.

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

(5) I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and went through the 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**⁴ and thereafter in the matter of **Gian Singh v. State of Punjab**⁵, and ultimately, noticing the aforesaid decisions, finally, in **Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another**⁶, 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 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

4 (2003) 4 SCC 675

5 (2012) 10 SCC 303

6 (2013) 4 SCC 58

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 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 petitioners and respondent No. 2, particularly the statement of petitioner No. 1 and respondent No. 2, in which they have categorically stated that they have settled their dispute outside the court and they are living together happily as husband and wife, it would be inappropriate to continue the criminal proceedings initiated against the petitioners. Accordingly, it is a fit case where criminal case against the petitioners pending in the Court of Judicial Magistrate First Case, Durg is liable to be quashed.

(8) In consequence, the petition is allowed and criminal proceedings in Criminal Case No. 9140/14 (State of Chhattisgarh v. Sanjeet Panda and others) 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 and Section 4 of the Dowry Prohibition Act, 1961 are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge

