

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1773 of 2017**

1. Deepak Namdev, son of Rambharat Namdev, aged about 30 years, Occupation – Machine Assistant (Technical) Government of India Press Nasik (Maharashtra), R/o G/1-82, Gandhi Nagar, Nasik Road, P.S. Upnagar, Nasik (Maharashtra)
2. Rambharat Namdev, S/o Rameshwar Prasad Namdev, aged about 50 years,
3. Geeta Namdev, W/o Rambharat Namdev, aged about 49 years,
4. Priya Namdev, D/o Rambharat Namdev, aged about 21 years,

Respondent no. 2 to 4 all resident of LIG 17, Trimurti Nagar, near Damoh Naka, Jabalpur (M.P.)

---- Petitioners.

Versus

1. State of Chhattisgarh, through Station House Officer, Police Station Mahila Thana, Bilaspur (C.G.)
2. Smt. Kriti Namdev, W/o Deepak Namdev, aged about 26 years, R/o MIG 2/4, Nutan Enclave, Sarkanda, District Bilaspur (C.G.)

---- Respondents.

For Petitioners	: Shri Vivek Verma, Advocate
For Respondent No. 1	: Shri Animesh Tiwari, Dy. Advocate General.
For Respondent No. 2	: Shri K. Rohan, Advocate.

Petitioners No. 1 & 2 and respondent No. 2/complainant are also present in person.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/12/2020

(1) This petition under Section 482 of the CrPC has been filed by the petitioners seeking quashment of the criminal case registered against them for the offence

punishable under Section 498-A of the Indian Penal Code.

(2) Marriage of petitioner No. 1/husband was solemnized with the respondent No. 2/complainant on 02.12.2015 at Jabalpur (M.P.), thereafter, dispute arose between the parties leading to filing of the complaint by respondent No. 2/complainant against the petitioners and consequently the offence under Sections 498-A & 506 read with Section 34 of the Indian Penal Code were registered against the petitioners and thereafter, they were charge sheeted and the criminal case is pending consideration before the jurisdictional criminal Court, in which, they had made an application for compounding the offences but the learned trial Court compounded the offence under Sections 506-II, 323 read with Section 34 of the IPC and declined to compound the offence under Section 498-A IPC being non-compoundable offence, against which they have preferred instant petition under Section 482 of the Cr.P.C., in which petitioners No. 1 & 2 and respondent No. 2/complainant have appeared and their statements have been recorded before the Additional Registrar (Judicial) on 9.12.2020, in which they have categorically stated that they have amicably settled their dispute in order to maintain good relations and the petitioner No. 1/husband & respondent No. 2/wife have also applied for divorce on the basis of mutual consent under Section 13(B) of the Hindu Marriage Act, which is pending consideration.

(3) Shri Vivek Verma, learned counsel for the the petitioners submits that since the dispute has been resolved amicably between the petitioners and respondent No. 2/complainant, therefore, proceedings under Section 498-A of the IPC pending before the trial Magistrate be quashed.

(4) Shri K. Rohan, learned counsel appearing for respondent No. 2 would also

submit that the respondent No. 2 has resolved the dispute with the petitioners amicably and, therefore, she is not willing to continue the proceedings against the petitioners under Section 498-A of the IPC pending in the Court of Judicial Magistrate, First Class, Bilaspur

(5) I have heard learned counsel for the parties, and considered their submissions made hereinabove and also considered their statements recorded before the Additional Registrar (J.) 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**¹ and thereafter in the matter of **Gian Singh v. State of Punjab**², and ultimately, noticing the aforesaid decisions, finally, in **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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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 present case in light of the decisions rendered by the Supreme Court in the afore-cited judgments (*supra*) and further considering statements of parties recorded before the Additional Registrar (J.), particularly the statement of respondent No. 2/wife, who has clearly stated on oath that she has resolved the dispute with the petitioners outside the Court without any extraneous consideration in order to maintain good relations and since the petitioner No.1/husband & respondent No. 2/wife have also applied for divorce on the basis of mutual consent under Section 13(b) of the Hindu Marriage Act, which is pending consideration before the jurisdictional Family Court, as such, it would be inexpedient to continue the criminal case registered against the petitioners. Accordingly, it is a fit case where criminal case registered against the petitioners deserves to be quashed.

(8) In consequence, the petition is allowed and criminal proceedings in Criminal Case

No.1457/2018 pending against the petitioners in the Court of the Judicial Magistrate First Class, Bilaspur for offence punishable under Section 498-A of the IPC are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

