

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.800 of 2018

1. Vijay, S/o late Badri Prasad Suryavanshi, aged about 30 years,
2. Naresh, S/o Ram Prasad Khande, aged about 21 years,
3. Topu, S/o Datte @ Datte Lal Khande, aged about 19 years,

All are R/o Village Muktaraja, Ward No.13, P.S. Baradwar, District Janjgir-Champa (C.G.)

4. Dilip Kumar, S/o Ram Prasad Khandey, aged about 26 years, R/o Village Muktaraja, Ward No.13, P.s. Baradwar, District Janjgir-Champa (C.G.)

(Accused)
---- Petitioners

Versus

1. State of Chhattisgarh, Through the Station House Officer, P.S. Baradwar, District Janjgir-Champa (C.G.)
2. Gajendra Singh @ Gajju, S/o Mahabir Singh, aged about 30 years, R/o Ward No.10, Baradwar, District Janjgir-Champa (C.G.)

(Complainant)
---- Respondents

For Petitioners: Mr. Ishwar Jaiswal, Advocate.

For Respondent No.1 / State: -

Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

For Respondent No.2: -

Mr. Abhishek Saraf, 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 by filing this petition under Section 482 of the CrPC seek quashment of Criminal Case No.562/2011 pending against them in the Court of Judicial Magistrate First Class, Sakti for the offence punishable under Section 324 read with Section 34 of the IPC, mainly on the ground that the matter has been compromised between the

parties.

3. Statements of the parties have been recorded before the Additional Registrar (Judicial) at the direction of this Court in which they have deposed that they have settled the dispute amicably in order to continue good relations.
4. I have heard learned counsel for the parties 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. After considering the statements of the parties recorded before the Additional Registrar (Judicial), after going through the record and after hearing learned counsel for the parties and looking to their statements, I am fully satisfied that it is a fit case where the prosecution of the petitioners should be discontinued in the larger interest of justice.
7. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.562/2011 pending against the petitioners in the Court of Judicial Magistrate First Class, Sakti for the offence punishable under Section 324 read with Section 34 of the IPC, are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge