

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 307 of 2020**

1. Gurumukh Das Chandani, S/o Late Dayal Das Chandani, Aged 59 years.

2. Pankaj Chandani, S/o Gurumukh Das Chandani, Aged 31 years.

Both R/o House No. 12, Chhattisgarh Kalptaru Society, Amlidih, P.S. New Rajendra Nagar, Raipur, Chhattisgarh.

---Petitioners**Versus**

1. State of Chhattisgarh, though Police Station Gol Bazar Raipur, Chhattisgarh.

2. Mahendra Kumar Sahu, S/o Late Mangal Prasad Sahu, Aged 62 years.

3. Shwetendra Sahu, S/o Shri Mahendra Sahu, Aged about 30 years, Both R/o Jorapara, Raipur, Chhattisgarh.

--- Respondents

For Petitioner	:- Mr. M.N. Thakur, Advocate
For State	:- Mr. Ravi Bhagat, Dy. G.A.
For Respondents 2 & 3:-	Mr. Hari Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/10/2020**

1. Proceedings of this matter have been taken up for hearing through video conferencing.

2. By way of this writ petition, petitioners seek quashment of FIR No. 02/2020 dated 10/01/2020 for offence punishable under Section 420 read with Section 34 of the IPC registered against them by respondents No. 2 and 3 at police Station Gol Bazar, Raipur principally on the ground that the dispute, being commercial dispute, has been settled amicably between the petitioners and respondents No. 2 and 3 and the offence under Section 420/34 of the IPC is compoundable with the leave of the Court.

3. Mr. M.N. Thakur, learned counsel for the petitioners, would submit that petitioners have settled the dispute with respondents No. 2 and 3 amicably outside the Court as per the agreement between them which has been filed and affidavit has been by respondent No. 2 as well as statement of respondent No. 3 has been recorded before the Additional Registrar (Judicial) at the instance of this Court in which he has categorically stated that the dispute has been settled between them amicably and moreover, the offence registered against the petitioners under Section 420/34 of the IPC, being compoundable with the

leave of the Court, the FIR registered against the petitioners deserves to be set aside.

4. Mr. Hari Agrawal, learned counsel for respondents No. 2 and 3, would submit that they have compromised the dispute outside the Court and respondent No. 2 has filed his affidavit and respondent No. 3 has made statement before the Additional Registrar (Judicial) in this regard, therefore, they have no objection if the FIR registered at their instance against the petitioners is quashed as the dispute has been settled amicably.

5. Mr. Ravi Bhagat, learned State counsel, would submit that offence under Section 420/34 of the IPC is compoundable with the leave of the Court.

6. I have heard learned counsel for the parties, considered their submissions and went through the records with utmost circumspection.

7. 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 another¹ and thereafter, in the matter of Gian Singh v. State of Punjab², and ultimately, noticing the aforesaid decisions, finally, in the matter of Jitendra Raghuwanshi and others v. Babita Raghuwanshi and another³, 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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."

8. Reverting to the facts of the present case in light of the aforesaid principle of law laid down by their Lordships of the Supreme Court, it is quite vivid that offence under Section 420/34 of the IPC is compoundable with the leave of the Court and taking into consideration that the parties have settled their dispute amicably as per the agreement that they entered into and further considering that respondent No. 2 has filed his affidavit and respondent No. 3 has recorded his statement before the Assistant Registrar (Judicial) at the instance of this Court wherein they have clearly stated that they have compromised and settled the dispute amicably outside the Court, I deem it appropriate to allow

the parties to compound the offence and consequently, the FIR No. 02/2020 dated 10/01/2020 registered at police station Gol Bazar, Raipur is hereby quashed.

9. This writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet