

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 938 of 2020**

D.P. Deshmukh, S/o Lt. Shri Jhaduram Deshmukh, aged about 64 years,
R/o Ashish Nagar, East, Krishna Talkies Road, Risali, Bhilai, P.S. Newai,
Distt.- Durg (C.G.)

---- Applicant

Versus

1. State of Chhattisgarh, through Principal Secretary Home, Mahanadi Bhavan, Atal Nagar, Raipur.
2. Station House Officer, Police Station Purani Bhilai, Bhilai-3, District Durg (C.G.)
3. Abhay Ram Sahu, S/o Bhoj Ram Sahu, aged about 42 years, R/o Padum Nagar, Bhilai-3, Distt. Durg (C.G.)
4. Smt. Poonam Nayak (Presently Central Jail Durg), W/o Abhinandan Nayak, R/o Dindayal Nagar, Raipur, Raipur.
5. Ku. Khushbu Singh alias Rakhi Dhruw, D/o J.K. Singh, R/o in front of Navarang Kala Niketan, Vill – Patora, Durg.
6. Smt. Shobha Sahu (Presently Central Jail, Durg), W/o Mahendra Sahu, R/o Bhilai-3, Dist. Durg.

Alongwith

Cr.M.P. No. 1442 of 2020

1. Smt. Shobha Sahu, W/o Mahendra Sahu, aged about 40 years, R/o Bhilai-3, Durg, District Durg (C.G.)
2. Smt. Poonam Nayak, W/o Abhinandan Nayak, aged about 40 years, R/o Deendayal Nagar, Raipur, District Raipur (C.G.)
3. Ku. Khusbu Singh @ Rakhi Dhruv, D/o J.K. Singh, aged about 41 years, R/o in front of Navrangkala Niketan, Village Patora, District Durg (C.G.)

---- Petitioners

1. Versus

1. State of Chhattisgarh, through Principal Secretary, Home Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur

(C.G.)

2. Station House Officer, Police Station Bhilai-3 (Purani Bhilai), District Durg (C.G.)

3. Abhay Ram Sahu, S/o Bhojram Sahu, aged about 42 years, R/o Padum Nagar, Bhilai-3, Distt. Durg (C.G.)

----Respondents

For Petitioners	: Mr. T. K. Jha, Advocate.
For Respondents/State	: Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate
For Respondent No. 3	: Mr. S.P. Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/12/2020

(1) This batch of petitions under Section 482 of the CrPC has been filed by the petitioners seeking quashment of the FIR No. 0153/2020 relating of offence under Section 420 read with Section 34 of the IPC at the instance of respondent No. 3/complainant namely Abhya Ram Sahu, in which petitioners and respondent No. 3/complainant have appeared and their statements have been recorded before the Additional Registrar (Judicial) on 19.10.2020 pursuant to the order of this Court, in which they have categorically stated that they have amicably settled their dispute outside the Court in order to maintain good relations between them.

(2) Shri T.K. Jha, learned counsel for the the petitioners submits that since the dispute has been resolved amicably between the petitioners and respondent No. 3/complainant, therefore, FIR No. 0153/2020 registered against the petitioner relating to offence under Section 420 read with Section 34 of the IPC be quashed.

(3) Shri S.P. Sahu, learned counsel appearing for respondent

No. 3/complainant would also submit that the respondent No. 3 has resolved the dispute with the petitioners amicably outside the court and, therefore, he is not willing to continue his complaint / FIR made against the petitioners.

(4) I have heard learned counsel for the parties, and considered their submissions made hereinabove and also considered the statements of the parties recorded before the Additional Registrar (J.) and went through the 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 **Jitendra Raghuvanshi and others v. Babita Raghuvanshi 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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 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 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. 3/complainant, who has clearly stated on oath that he has resolved the dispute with the petitioners outside the Court without any extraneous consideration in order to maintain good relations between them *and* the offence under Section 420 of the IPC is compoundable with the leave of the Court, as such, it would be inexpedient to continue the prosecution/ FIR registered against the petitioners . Accordingly, it is a fit case where FIR No. 0153 registered against the petitioners in the Police Station Purani Bhilai, District Durg deserves to be quashed.

(7) In consequence, the petitions are allowed and FIR No. 0153 registered

against the petitioners in the Police Station Purani Bhilai, District Durg relating to offence under Section 420 read with Section 34 of the IPC is hereby quashed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

