

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1061 of 2018**

Paramjit Singh @ Pamma, S/o Shri Lakhbir Singh Jouhal, aged about 33 years, R/o Tifra Yadunandan Nagar, Police Station Sirgitti, Tahsil and District Bilaspur (C.G.)

---- Applicant

Versus

Smt. Gurprit Kaur, D/o Shri Suchch Singh, aged about 30 years, R/o in front of Pushpa Hospital, behind house of Sandhu Advocate, Police Station Rajhara, Dalli Rajhara, District Balod (C.G.)

----Non-applicant

For Applicant	: Mr. Rajeev Kumar Dubey, Advocate.
For Non-applicant	: Ms.Sonia Kuldeep, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/06/2020**

- (1) Proceedings of the matter have been taken up through video conferencing.
- (2) Petitioner filed a petition under Section 482 of the Code of Criminal Procedure seeking quashment of the criminal complaint case No. 70/2016 for the offence punishable under Section 494 & 495 of the Indian Penal Code. Pursuant to the notice issued to the applicant and non-applicant, they have appeared and made statement before the Additional Registrar (Judicial) on 19.03.2019, at the direction of this Court, in which the applicant and non-applicant both have clearly stated that they have settled their dispute outside the court and since divorce petition filed by the non-applicant before the Family Court with her earlier husband

is pending consideration, therefore, the criminal complaint case deserves to be quashed.

(3) I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(4) 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 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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.”

(5) 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 both parties, by which they have stated that they have settled their dispute outside the court and hearing of the divorce petition is in progress; it would be appropriate to quash the criminal complaint case No. 70/2016.

(6) In consequence, the petition is allowed and criminal proceedings in Criminal Complaint Case No. 70/2016 (Paramjit Singh & Pamma v. Smt. Gurprit Kaur) pending against the non-applicant in the Court of Judicial Magistrate, First Class, Bilaspur for offence punishable under Sections 494 & 495 of the IPC are hereby quashed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

