

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1114 of 2018**

- Mahendra Kumar Mittal, S/o. Late Shri Madan Lal Mittal, Aged about 48 years, R/o. New Chandaniya Para Shiv Mandir Gali, Janjgir, Tah. & Distt. Janjgir-Champa (CG)

---- Petitioner**Versus**

1. Deepak Kumar Agrawal, S/o. Shri Shankar Agarwal, age 38 years, R/o. Main Road, Korba, Tahsil & Distt. Koba (CG)
2. State Of Chhattisgarh Through SHO, City Kotwali Korba, Distt. Korba (CG)

---Respondents

For Petitioner	:Mr. Ravindra Sharma, Advocate
For Respondent No.1	:Mr. Vaibhav Maheshwari, Advocate
For Respondent No.2.	:Mr. Animesh Tiwari, Dy. Advocate General

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 petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashment of the FIR registered at Police Station City Kotwali Korba Distt. Korba in Crime No.320/2018 for offence punishable under Sections 406, 418 & 420 of IPC at the instance of respondent No.1.
3. Learned counsel for the parties submit that the dispute between the parties is with regard to payment of money and that has been settled between them and they have made statement before the Court

on 25.6.2018 in this regard. They further submit that offence under Sections 406, 418 & 420 IPC are compoundable with the leave of the Court, therefore, FIR registered against the petitioner may be quashed.

4. I have heard learned counsel for the parties and perused the record.

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 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

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. Taking into consideration the nature and gravity of the offence and also considering the fact that the offence under Sections 406, 418 & 420 IPC being compoundable offences, and also taking into account that the parties voluntarily made their statement before the court that they have settled their dispute amicably, I deem it appropriate to allow the parties to compound the offence and thereby quash the FIR registered at Police Station City Kotwali, Distt. Korba by exercising the inherent jurisdiction of this Court under Section 482 of the CrPC. Ordered accordingly.

7. Accordingly, the petition is allowed to the extent indicated above.

Sd/-
(Sanjay K. Agrawal)
JUDGE