

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1671 of 2019**

1. Santosh Gupta, S/o Late Sapan Kumar Gupta, Aged about -39 years,
2. Vinay Kumar Gupta, S/o Late Sapan Kumar Gupta, Aged about -34 years,
3. Sikha Gupta, Wd/o Late Sapan Kumar Gupta, Aged about -61 years.
4. Sipra Gupta, W/o Vinay Kumar Gupta, Aged about -29 years,

Petitioners No. 1 to 4, Present R/o Sector 3, Balko Nagar, Police Station – Balko Nagar, District Korba, Chhattisgarh,

Permanent R/o Kumhari, Police Station – Kumhari, District – Durg Chhattisgarh
(Accused persons)

5. Smt. Sweta Patel, W/o Santosh Gupta, Aged about -35 years, R/o Kalpana Vihar, Nehru Nagar, Bilaspur, Civil and Revenue District – Bilaspur (C.G.)
(Complainant)

---- Petitioners

Versus

State of Chhattisgarh, Acting through Officer-In-Charge, Police Station – Balko Nagar, Civil and Revenue District – Bilaspur (C.G.)

----Respondent

For Petitioners No. 1 to 4	: Mr. Devesh G. Kela, Advocate.
For Petitioner No. 5	: Mr. Ramesh Kumar Naik, Advocate.
For Respondent /State	: Ms. Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/07/2020

- (1) Proceedings of the matter have been taken up through video conferencing.
- (2) Petitioner No. 1/husband and his relatives as well as his wife – Smt. Sweta

Patel (petitioner No. 5 herein) have filed this petition under Section 482 of the Cr.P.C. for quashing of the criminal proceedings initiated by petitioner No. 5/wife against the petitioners No. 1 to 4 for the offence punishable under Section 498-A/34 of the Indian Penal Code, in which the statements of petitioners No. 1 to 4 & petitioner No. 5/complainant have been recorded before the Additional Registrar (Judicial), by which petitioner No. 5/wife has categorically stated that the parties have compromised the matter outside the Court as on the basis of mutual consent of petitioner No. 1 (husband) & petitioner No. 5 (wife), decree of divorce has already been granted by the matrimonial Court and they have settled their dispute amicably outside the Court, and, therefore, proceedings initiated against the petitioners No. 1 to 4 be quashed.

(3) I have heard learned counsel for the parties, and considered their rival submissions made hereinabove and also considered their statements recorded before the Additional Registrar (J.) 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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 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 statements of parties recorded before the Additional Registrar (J.), particularly the statement of petitioner No. 5/wife, who has categorically stated in her statement that she has compromised the matter with the petitioners as on

the basis of mutual consent of her and petitioner No. 1 (husband), decree of divorced has already been given by the Family Court and they have settled their dispute amicably outside the Court and chances of the conviction is weak and, therefore, it would be inexpedient to continue the criminal case registered against the petitioners No. 1 to 4. Accordingly, it is a fit case where criminal case registered against the petitioners No. 1 to 4 deserves to be quashed.

(6) In consequence, the petition is allowed and criminal proceedings in Criminal Case No.4431/2018 pending against the petitioners in the Court of Judicial Magistrate First Class, Korba for offence punishable under Section 498-A / 34 of the IPC is hereby quashed and the petitioners No. 1 to 4/accused are acquitted of the said charges.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-