

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 634 of 2020**

1. Dr. Devesh Dwivedi S/o Dinesh Dwivedi Aged About 30 Years R/o Village Lalpur, Post - Gaurela, District Gaurela Pendra Marwahi Chhattisgarh.
2. Dinesh Dwivedi S/o Late Damodar Prasad Dwivedi Aged About 58 Years R/o Village Lalpur, Post Gaurela, District Gaurela Pendra Marwahi Chhattisgarh.

----- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, Department Of Home, New Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Superintendent Of Police Jagdalpur District Bastar Chhattisgarh.
3. Officer In Charge P.S. Kotwali, Women Help Cell, Jagdalpur, District Bastar Chhattisgarh.
4. Akansha Mishra W/o Dr. Devesh Dwivedi Aged About 28 Years R/o Akash Nagar, Rajeev Gandhi Ward, Jagdalpur, District Bastar Chhattisgarh.

----- Respondents

For Petitioners :- Dr. Shailesh Ahuja, Advocate.
For State/Respondent :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

10/12/2020

1. Heard.

2. Learned counsel for the petitioner would submit that respondent No.4, who is wife of petitioner No.1 has left the matrimonial home and staying with her parents at Jagdalpur. Meanwhile she delivered a baby who is being taken care of by the petitioner also. A complaint has also been lodged by the respondent No.4 against the present petitioners on which a counselling has taken place by the Counselling Committee issuing a letter to the petitioner No.1. By dropping counselling, FIR is likely to be lodged to which learned State counsel would submit that counselling has taken place and FIR has not been yet registered against the petitioners.

3. Since petitioner No.1 is a qualified doctor

and his wife respondent No.4 – complainant has filed a complaint against him in which counselling has taken place between the petitioner and respondent No.4 in presence of the counselling authorities on 6-11-2020 and they are said to have resolved their dispute amicably in their interest as well as in the interest of the newly born baby, but the apprehension expressed by learned counsel for the petitioners is that any how by dropping the counselling proceeding, the petitioners will be arrested straightway which will be an obstruction in further settlement of dispute, if any, therefore, appropriate direction be issued to the counselling authorities – respondents No.2 and 3 not to arrest them till the conclusion of counselling proceeding and petitioner No.1 be informed about the conclusion of the counselling proceeding so that he may persuade further and settle the dispute amicably with respondent No.4, in their better interest.

4. Be that as it may, respondents No.2 & 3 are

directed to inform the petitioners about the outcome of the counselling proceeding that has taken place between petitioner No.1 and respondent No.4 before taking any penal action, as admittedly, at stated presently, FIR has not been registered against the petitioners. I hope and trust that respondents No.2 & 3 would do well to ensure that the matrimonial dispute between petitioner No.1 and respondent No.4 is settled amicably by the counselling authorities, as one or two rounds of counselling has already taken place.

5. With the aforesaid direction/observation the instant writ petition stands disposed of.

6. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit