

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1184 of 2016**

1. Praveen Badge, Son of Bhaudas Badge, aged about 37 years,
2. Pramod Badge, Son of Bhaudas Badge, aged about 49 years,
3. Pramila Badge, W/o Bhaudas Badge, aged about 65 years,
4. Ujjwala Badge, wife of Pramod, aged about 42 years,

Petitioners No. **1 to 4 are accused** in the present case are Residence of Near Sayyad Baba Majar Laxmi Nagar, Supela, Bhilai, Thana Supela, Tehsil Durg, Civil and Revenue District Durg (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Police Station Mahila Thana Durg, Civil and Revenue District Durg (C.G.)
2. Maheshwari Badge, Wife of Praveen Badge, aged about 30 years, Resident of 36/2 A, Resali Sector Bhilai, Thana Nevai, Tehsil Durg, Civil and Revenue District Durg (C.G.)

(Complainant)

----Respondents

For Petitioners	: Mr. Punit Ruparel, Advocate.
For Respondent No. 1	: Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate
For Respondent No. 2	: Mr. Krishna Gopal Yadav, Advocate.

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) This petition under Section 482 of the CrPC has been filed by the petitioners seeking quashment of the criminal case registered against them for the

offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, in which the respondent No. 2 has also appeared and statements of petitioners and respondent No. 2 have been recorded before the Additional Registrar (Judicial), in which they have clearly stated that they have compromised the matter outside the Court as on the basis of mutual consent of petitioner No. 1 (husband) & respondent No. 2 (wife), decree of divorce has already been granted by the Family Court, Durg vide order dated 19.12.2016 and they have settled their dispute amicably outside the Court, and, therefore, proceedings initiated against the petitioners 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 of the Supreme Court in the context of matrimonial disputes resulting into criminal proceedings, held as under: -

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

“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 respondent No. 2/wife, who has clearly stated 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, Durg vide order dated 19.12.2016 and they have settled their dispute amicably outside the Court and chances of the

conviction are weak and, therefore, it would be inexpedient to continue the criminal case registered against the petitioner. Accordingly, it is a fit case where criminal case registered against the petitioners deserves to be quashed.

(6) In consequence, the petition is allowed and criminal proceedings in Criminal Case No.315/2012 pending against the petitioners in the Court of the Judicial Magistrate First Class, Durg for offence punishable under Section 498-A / 34 of the IPC are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

