

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.1824 of 2017

1. Smt. Ritu Pathak, aged about 28 years, W/o Neeraj Pathak, R/o Vill. Khorpa, P.S. Abhanpur, Tah. Abhanpur, Civil and Revenue Distt. Raipur (C.G.)
2. Neeraj Kumar Pathak, aged about 35 years, S/o Shri Premnath Pathak, R/o Vill. Khorpa, P.S. Abhanpur, Tah. Abhanpur, Civil and Revenue Distt. Raipur (C.G.)

Presently posted as Nayak (NK) Neeraj Pathak, Rbty/ 165 Med Regt C/o 56 APO Pin 926165.

3. Premnath Pathak, aged about 66 years, S/o Parasnath Pathak, R/o Vill. Khorpa, P.S. Abhanpur, Tah. Abhanpur, Civil and Revenue Distt. Raipur (C.G.)
4. Smt. Chameli Pathak, aged about 60 years, W/o Premnath Pathak, R/o Vill. Khorpa, P.S. Abhanpur, Tah. Abhanpur, Civil and Revenue Distt. Raipur (C.G.)

---- Petitioners

Versus

State of Chhattisgarh, Through In charge Police Officer, Mahila Police Station, Raipur, Distt. Raipur (C.G.)

---- Respondent

For Petitioners: Mr. Rakesh Kumar Thakur, Advocate.

For Respondent / State: -

Mr. Animesh Tiwari, Deputy 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. Petitioner No.1 is wife of petitioner No.2, petitioner No.2 is husband of petitioner No.1 and petitioners No.3 & 4 are in-laws of petitioner No.1 and they have filed this petition under Section 482 of the CrPC for quashment of criminal proceeding registered against petitioners No.2 to 4 on the ground that petitioners No.1 & 2 have compromised the matter and are living together as husband & wife.

3. Statements of parties have been recorded in which also it is revealed that the dispute has already been settled between the parties and petitioners No.1 & 2 are living together as husband and wife.
4. I have heard learned counsel for the petitioners and went through the material available on record with utmost circumspection.
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 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,

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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. After hearing learned counsel for the petitioners, after going through the statements of the parties and in view of the decision of the Supreme Court in **B.S. Joshi** (supra), I am satisfied that it is a fit case where inherent jurisdiction of this Court under Section 482 of the CrPC can be exercised by quashing the criminal proceedings pending against the petitioners, as they have resolved the dispute amicably and petitioners No.1 & 2 are living together as husband and wife.
7. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.18491/2014 pending against petitioners No.2 to 4 in the Court of the Judicial Magistrate First Class, Raipur for offence punishable under Section 498-A read with Section 34 of the IPC, are hereby quashed and petitioners No.2 to 4 are acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge