

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.2590 of 2018

Mahendra Kumar Bharti, aged about 23 years, S/o Ramvishwash, R/o Shiv Colony, Sidharth Nagar, Near Community Hall, P.S. Kolgawan, Satna, District Satna (M.P.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through District Magistrate, Gariyabandh (C.G.)
2. Khemraj Nagesh, aged about 30 years, S/o Bajrat, R/o Mudgelmal, P.S. Amlipadar, District Gariyabandh (C.G.)

---- Respondents

 For Petitioner: Mr. Rakesh Kumar Thakur, Advocate.
 For Respondent No.1 / State: -
 Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.
 For Respondent No.2: -
 Mr. Yogesh Pandey, Advocate.

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 by filing this petition under Section 482 of the CrPC seeks quashment of criminal case registered against him for the offence punishable under Sections 420 & 507 of the IPC, in which respondent No.2 has appeared and made statement before the Additional Registrar (Judicial), at the direction of this Court, stating that he has no grievance at all and the matter has been settled with the petitioner.
3. I have heard learned counsel for the parties and went through the material available on 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 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, 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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. After considering the statement of the complainant / respondent No.2 recorded before the Additional Registrar (Judicial), after going through the record, after hearing learned counsel for the parties and offence under Section 420 of the IPC is compoundable with the leave of the Court, I am fully satisfied that it is a fit case where the prosecution of the petitioner should be discontinued in the larger interest of justice.
6. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.168/2016 pending against the petitioner in the Court of Judicial Magistrate First Class, Devbhog, Distt. Gariyaband for the offence punishable under Sections 420 & 507 of the IPC, are hereby quashed and the petitioner is acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge