

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.2614 of 2019

Ritesh Shukla S/o Late Shri Kanti Kumar Shukla,
Aged about 30 years, R/o-Nagar Panchayat Pali,
District-Korba (CG)

----- Petitioner

Versus

1. State of Chhattisgarh, through SHO, P.S.-Civil Lines, District Bilaspur (CG)
2. Smt.Bhavna Shukla W/o Shri Ritesh Shukla, Aged about 27 years, R/o-Kududand Mata Chaura, District-Bilaspur (CG)

----- Respondents

For Petitioner: Mr.Achyut Tiwari, Advocate.

For Respondent No.1/State: -

Mr.H.S. Ahluwalia, Dy.A.G.

For Respondent No.2: -

Ms Deepti Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/02/2020

1. The petitioner has filed this petition under Section 482 of the CrPC for quashment of Criminal Case No.1734/2017 pending against him before the Judicial Magistrate First Class, Bilaspur on the basis of FIR No.246/2017 lodged by respondent No.2 for offence under Section 498-A of the IPC.
2. Learned counsel for the petitioner submits that marriage of the petitioner was solemnized with respondent No.2 on 25.2.2016, they are living separately since 9.6.2016 and F.I.R. was lodged on

4.4.2017, thereafter they have settled their dispute amicably and mutual divorce has been taken place between the parties on 7.1.2020 by the Family Court, Bilaspur and pursuant to order of this Court the statements of the petitioner and respondent No.2 have been recorded in which they have expressed that they have settled their dispute amicably. Respondent No.2 has made statement that she is not willing to continue the dispute and in view of that, mutual settlement has been arrived at between the parties.

3. Learned counsel for respondent No.2 supports the submission made by learned counsel for the petitioner.
4. I have heard learned counsel for the parties, considered their submissions made hereinabove and perused the statements of the parties recorded before the Additional Registrar (J.).
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

1 (2003) 4 SCC 675

Gian Singh v. State of Punjab², and ultimately, noticing the aforesaid decisions, finally, in Jitendra Raghuwanshi and others v. Babita Raghuwanshi and another³, 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

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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. Reverting to the facts of the present case in light of the decisions rendered by the Supreme Court in the aforesaid judgments, it is quite vivid that in order to give a quietus to the matrimonial dispute, parties have settled their dispute amicably and mutual divorce has been granted to them by the Family Court, Bilaspur on 7.1.2020, their statements have been recorded before the Additional Registrar (J.) in which they have also expressed that they have settled their dispute amicably and there is no dispute outstanding between the parties. The parties have already moved on with their respective lives seeking closure.

7. In view of the aforesaid facts, since there is no dispute persisting at present between the parties, in the considered opinion of this Court, quashing the proceedings for offence under Section 498-A of the IPC would be in the ends of justice, it would bring peace to them, rather allowing the continuation of prosecution for offence under

Section 498-A of the IPC would be fruitless and would be abuse of the process of the court.

8. In consequence, the petition is allowed and criminal proceedings in Criminal Case No.1734/2017 pending against the petitioner in the Court of the Judicial Magistrate First Class, Bilaspur for offence punishable under Section 498-A of the IPC are hereby quashed and the petitioner is acquitted of the said charge.

Sd/-
(Sanjay K. Agrawal)
Judge

B/-