

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc Petition No.2729 of 2019

1. Rajkumar Sinha, S/o Shyam Lal Sinha, aged about 33 years,
2. Shyam Lal Sinha, S/o Jaggu Sinha, aged about 58 years
3. Smt. Shyam Bai, W/o Shyam Lal Sinha, aged about 55 years
4. Smt. Ganeshi Bai Sinha, W/o David Sinha, aged about 33 years,

All R/o Village Borid, Police Station Fingeshwar, District Gariyaband (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, through Police Station Fingeshwar, District Gariyaband (C.G.)
2. Smt. Human Sinha, W/o Rajkumar Sinha, aged about 30 years, R/o Village Borid, Police Station Fingeshwar, District Gariyaband (C.G.)
(Complainant)
---- Respondents

For Petitioners: Mr. Krishna Kumar Dewangan, Advocate.

For Respondent No.1 / State: -

Dr. Veena Nair, Deputy Advocate General.

For Respondent No.2: -

Mr. Sukhdeo Prasad Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/07/2020

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioners herein, who are husband and relatives of husband of respondent No.2, have filed this petition for quashment of proceedings pending against them in Criminal Case No.297/2019 (State of Chhattisgarh v. Rajkumar Sinha and others) in the Court of Judicial Magistrate First Class, Rajim for the offence punishable under Section 498A read with Section 34 of the IPC.
3. Mr. Krishna Kumar Dewangan, learned counsel appearing for the

petitioners and Mr. Sukhdeo Prasad Sahu, learned counsel appearing for the complainant / respondent No.2, would submit that the parties have settled their dispute amicably and petitioner No.1 – husband and respondent No.2 – wife are leading their life happily, therefore, prosecution of the petitioners under Section 498A read with Section 34 of the IPC be quashed.

4. I have heard learned counsel for the parties and considered their submission made herein-above and went through the 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 **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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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.”

6. Reverting to the facts of the present case in the light of the decisions rendered by the Supreme Court in the aforesaid judgments and considering the statements of the parties and also considering that there is no dispute outstanding between the parties and parties have settled the dispute amicably and now, 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 read with Section 34 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 as they are now living together.
7. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.297/2019 (State of Chhattisgarh v. Rajkumar Sinha and others) pending against the petitioners in the Court of Judicial Magistrate First Class, Rajim for offence punishable under Section 498-A read with Section 34 of the IPC, are hereby quashed and the petitioners are acquitted of the said charges.

Sd/-
(Sanjay K. Agrawal)
Judge