

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 137 of 2021

1. Abhishek Jain, S/o Awadesh Jain, Aged About 29 Years.
 2. Awadesh Jain, S/o Late Shri Roshan Lal Jain, Aged About 53 Years.
 3. Rajni Jain, W/o Awadesh Jain, Aged About 51 Years.
 4. Aaysha Jain, D/o Awadesh Jain, Aged About 24 Years.
 5. Anil Sharma, S/o Late Shri Ganga Prasad Sharma, Aged About 46 Years.
- All R/o Old Idgah Colony, Agra, Uttar Pradesh.

---- Petitioners

Versus

1. State of Chhattisgarh, through the Station House Officer, Mahila Thana Raipur, District- Raipur (C.G.)
2. Anugya Jain, W/o Abhishek Jain, Aged About 28 Years, R/o 6 New Shanti Nagar Civil Lines Raipur, District- Raipur (C.G.)

---- Respondents

For Petitioners	:	Mr. Atanu Ghosh, Advocate.
For State/Res. No. 1	:	Mr. Rakesh Sahu, Dy. Govt. Adv.
For Respondent No. 2	:	Ms. Upasana Mehta, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

27/08/2021

1. The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashment of entire proceeding in Criminal Case No. 5637/2018 pending before Judicial Magistrate First Class, Raipur, District- Raipur (C.G.) arising out of Crime No. 13/2018 registered at Police Station- Mahila Thana Raipur, District- Raipur (C.G.) against the petitioners for committing offence punishable under Sections 498-A, 506 & 34 of I.P.C. and Section 6 of Tonhi Pratadna Adhiniyam on account of amicable settlement arrived at between the parties.
2. Learned counsel for the petitioners would submit that the complainant/ respondent No. 2- Anugya Jain, who is legally wedded wife of petitioner No. 1 has lodged a report at Police Station - Mahila Thana, Raipur on 07.03.2018 for committing offence punishable under Sections 498-A, 34 & 506 of I.P.C.

and Section 6 of Tonhi Pratadna Adhiniyam against the petitioners alleging that they are harassing and torturing her on demand of dowry.

3. Learned counsel for the petitioners submits that during pendency of this petition, the parties have settled their dispute.
4. Learned counsel for respondent No. 2 does not oppose the submission made by learned counsel for the petitioners.
5. Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**¹, has summarized the law for quashing of FIR, the relevant paragraphs are extracted below:-

“15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

6. This Court vide order dated 03.08.2021 directed the petitioner No. 1 & respondent No. 2 to record their statement before Additional Registrar (Judicial) of this Court on 23.08.2021 and in pursuance of this Court's order, Petitioner No. 1- Abhishek Jain & respondent No. 2- Anugya Jain recorded their statement, in which, they have unequivocally submitted that their dispute is settled and now there is no dispute between

¹ (2019) 5 SCC 688

them and they do not want to prosecute the proceeding further.

7. In view of the said legal position, considering the facts and circumstances of the case as also the fact that the parties have amicably settled their dispute and they do not want to continue with the criminal case, this court is of the considered opinion that there is sufficient material for this Court to form an opinion to quash the criminal proceeding initiated against the petitioners. Further, this Court is of the opinion that continuation of the criminal proceeding will be nothing, but an abuse of process of law. Accordingly, Criminal Case No. 5637/2018 pending before the learned Judicial Magistrate First Class, Raipur, District- Raipur (C.G.) as well as Crime No. 13/2018 registered at Police Station – Mahila Thana, District – Raipur against the petitioners for committing offence punishable under Sections 498-A, 506 & 34 of I.P.C. and Section 6 of Tonhi Pratadna Adhiniyam, deserve to be and are hereby quashed in the interest of justice.
8. In view of the above, the present petition is allowed to the extent indicated hereinabove.
9. Copy of this order be sent to the concerned Judicial Magistrate for closure of the case.

Sd/-
(Narendra Kumar Vyas)
Judge