

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 191 of 2021

- Smt. Pragya Rani Gupta W/o Amit Kumar Gupta, Aged About 32 Years
C/o Vishwanath Prasad Gupta, R/o Ahead Of S.B.T. College Gali No.
7, Kududand, Bilaspur, Police Station Civil Line, Tahsil And District
Bilaspur Chhattisgarh. **---- Petitioner**

Versus

1. State of Chhattisgarh Through The Station House Officer, Police
Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh
2. Amit Gupta, S/o Pradeep Gupta, Aged About 35 Years R/o Nehru
Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Priyanka Gupta W/o Pravesh Gupta, Aged About 31 Years R/o Nehru
Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Chandrakanta Gupta W/o Pradeep Gupta, Aged About 60 Years R/o
Nehru Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District
Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Pradeep Gupta S/o Late Bhagwat Gupta, Aged About 67 Years R/o
Nehru Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District
Bilaspur Chhattisgarh., **---- Respondents**

For Petitioner	: Shri Dhirendra Prasad Mishra,
Advocate	
For State	: Shri Vinod Tekam, Panel Lawyer
For Respondent No.2 to 5	: Mr. Ravindra Agrawal, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

22-07-2021

1. The petitioner has filed the present petition under Section 482 of
the Cr.P.C. seeking quashment of the entire proceedings in
Criminal Case No. 5555 of 2016 pending before the learned
Judicial Magistrate First Class, Bilaspur in connection with
Crime No. 788 of 2016 registered at Police Station Civil Line,
Bilaspur for the offence punishable under Section 498-A of the
IPC on account of amicable settlement arrived at between the
parties.

2. Learned counsel for the petitioner would submit that on the basis of compromise between the petitioner and respondents No. 2 to 5, the petitioner has moved an application under Section 320 (1) (2) of Cr.P.C., for permission to compound the offence under Section 498-A/34 of the IPC before learned Judicial Magistrate First Class, Bilaspur and learned Judicial Magistrate First Class, Bilaspur vide its order dated 12-1-2021 rejected the application filed under Section 320(1)(2) of Cr.P.C., on the ground that the offence under Section 498-A/34 of IPC is not compoundable offence. He would further submits that since the matrimonial dispute has been settled between the parties, the petitioner does not want to prosecute her complaint, therefore, she has filed the present petition for quashing of the proceedings initiated on the strength of FIR lodged by her.
3. Learned counsel for the petitioner and respondents No. 2 to 5 would jointly submit that in pursuance of the this court's order dated 22-2-2021, the petitioner/complainant and respondents No.2 to 5 entered their appearance before the Additional Registrar (Judicial) who recorded their statements on 15-3-2021² in which the petitioner and respondents No. 2 to 5 have stated in unequivocal terms that now there is no dispute between them and petitioner is not willing to continue with the criminal proceedings and prayed for quashment of criminal proceedings pending against the respondents No. 2 to 5 in Criminal Case No. 5555 of 2016. She has stated that she has voluntarily deposed that statement and it has been executed without fear, pressure or undue influence from her.
4. Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**¹, has summarized the law for quashing of criminal proceedings, the relevant paragraphs thereof 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

¹ (2019) 5 SCC 688

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.”

5. Though the offence under Section 498-A is not compoundable but this can be quashed with the leave of this Court. The law has been settled by the Hon'ble Supreme Court in case of **K. Srinivas Rao Vs. D.A. Deepa**², wherein the Supreme Court has quashed the proceeding initiated under Section 498-A of I.P.C. on the count that husband and wife have mutually settled their dispute.
6. In view of the said legal position, considering the facts and circumstances of the case, the fact that the parties have amicably settled dispute between them 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 petitioner. Further, this court is of the opinion that the continuation of criminal proceeding will be nothing, but to an abuse of process of law.
7. Accordingly, the criminal proceedings in connection with Crime No. 788 of 2016 in Criminal Case No. 5555 of 201 pending before the learned Judicial Magistrate First Class, Bilaspur registered against the respondents No. 2 to 5 at Police Station-Civil Line, Bilaspur for committing offence punishable under

² (2013) 5 SCC 226

Section 498-A /34 of I.P.C., deserves to be and is hereby quashed in the interest of justice.

8. In view of the above, the present petition is allowed. No order as to costs.
9. Copy of this order be sent to the concerned Judicial Magistrate for necessary compliance and closure of the proceedings.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju