

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 197 of 2021

- Shakti S Singh S/o Shri Virendra Singh, Aged About 42 Years
R/o 1461-A, R.K. Puram, District Kota, Rajasthan.

---- Petitioner

Versus

1. State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.
2. Smt. Priyamvada Bhatia, W/o Shri Shakti S Singh, Aged About 35 Years R/o M.I.G. 37, Vaishali Nagar, District Durg Chhattisgarh.

---- Respondents

For Petitioner : Shri Aditya Tiwari, Advocate

For State : Shri Vinod Tekam, Panel Lawyer

For Respondent No.2: Ms. Shivali Dubey, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

23.06.2021

1. The present petition under Section 482 of the Cr.P.C. has been filed seeking quashment of the entire proceedings in Criminal Case No. 948/2015 pending before the learned Chief Judicial Magistrate, District-Durg arising out of FIR No. 147/2014 registered at Police Station Supela, District – Durg for the offence punishable under Section 498A of the IPC on account of amicable settlement arrived at between the parties.
2. Learned counsel for the petitioner would submit that marriage was solemnised between the petitioner and respondent No. 2 on 15.02.2009 under the Hindu customary rites and rituals. After few years they decided not to live together and thereafter respondent No. 2 lodged FIR against the petitioner before police station Supela, District – Durg for the offence punishable under Section 498A of the IPC on 21.02.2014. On the basis of the FIR challan has also been submitted before the Chief Judicial Magistrate, Durg in Criminal Case No. 948/2015.

3. Learned counsel for the petitioner would submit that he has filed the present Cr.M.P. for quashing of the entire proceedings arising out of FIR No. 147/2014 as well as proceedings under Criminal Case No. 948/2015 (State of Chhattisgarh vs. Shakti S. Singh). He further submits that he has filed this Cr.M.P. for quashment of the charge-sheet and FIR on the strength of settlement arrived between the petitioner and respondent No. 2 and now they don't want to continue with the criminal case. He further submits that the petitioner and respondent No. 2 have applied for mutual divorce which is pending before the Family Court, Durg.
4. This Court vide its order dated 22.02.2021 has directed the petitioner and respondent No. 2 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 08.03.2021. In pursuant to the direction of this Court, the petitioner and respondent No. 2 entered their appearance and stated in unequivocal terms that now there is no dispute between them, respondent No. 2 is not willing to continue with the criminal proceedings and prayed for quashment of the FIR No. 147/2014 as well as Criminal Case No. 948/2014. She has stated that she has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from the petitioner.
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

¹ (2019) 5 SCC 688

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. Though the offence under Section 498A 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.
7. 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. Accordingly, Criminal Case No. 948/2015 (*State of Chhattisgarh vs Shakti S. Singh*) pending before the learned Chief Judicial Magistrate, District – Durg as well as FIR bearing registration No. 147/2014 registered against the petitioner at Police Station- Supela, District- Durg (C.G.) for committing offence punishable under Section 498-A of I.P.C., deserve to be and are 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

kishore

² (2013) 5 SCC 226