

HIGH COURT OF CHHATTISGARH AT BILASPURCRMP No. 281 of 2021

1. Sukhnath Ahirwar S/o Shri Amritlal Ahirwar Aged About 40 Years
Occupation- Service, Presently Post As Additional Collector Koriya,
District- Koriya (Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Station House Officer, Mahila
Thana, Raipur (Chhattisgarh)
2. Varsha Ahirwar W/o Sukhnath Ahirwar Aged About 36 Years R/o
House No. F-2, Vishal Nagar, Telibandha, Raipur (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Rajeev Shrivastava, Advocate.
For resp./State	:	Shri Dinesh R.K. Tiwari, Dy. G.A.
For Respondent No. 2	:	Shri Hemant Kesharwani, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/05/2021**

1. The CRMP has been filed seeking quashment of the First Information Report lodged against the petitioner on 08.12.2019 at the Mahila Thana District Raipur for the offence punishable under Section 498-A and 34 of the IPC, registered as Crime No. 0039/2019.
2. During the previous date of hearing i.e. 15.03.2021, this Court had observed that since the petitioner and the respondent No. 2 have amicably settled their differences and disputes they should record their statements before the Additional Registrar (judicial) in this regard. As a consequence of the order dt.15-03-21 the statement of the two disputing parties have been recorded. That in their statement they have clearly stated that they intend to close all cases between the husband and wife.

3. In the statement of the Respondent no.2 has stated that and as a consequence of the settlement, the FIR which was lodged by the respondent No. 2 registered as Crime No. 0039/2019 at Mahila Thana Raipur be quashed and all proceeding thereon be dropped.
4. The State Counsel submits that from the available records particularly the statement of the respondent No. 2 which is available in the case diary, it does not seem to be a case for quashment of the FIR at this stage.
5. It would be relevant at this juncture to take note of the judgment of the Hon'ble Supreme Court in the case of **B.S. Joshi and Others V. State of Haryana and Anr.** (2003) 4 SCC 675 wherein Paragraphs 14 & 15 have held-as-under.

“14. There is no doubt that the object of introducing Chapter XX-A Containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counterproductive and would act against interests of women and against the object for which this provision was added, There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

6. The aforesaid judgment has subsequently also been reiterated and followed on numerous occasions subsequently by the hon'ble Supreme Court and which is also being applied by this High Court in various other similar situations. Recently also the hon'ble Supreme Court in the case of **State of Madhya Pradesh v. Laxmi Narayan and others** (2019) 5 SSC 688 have reiterated the aforesaid principles. From the aforesaid judgment what is culled out is that the Courts have to apply its mind and assess whether the nature of offence is a crime against the society or an offence

against an individual alone, the seriousness of the offence and also consider whether it is of civil or criminal in nature and only after due application of mind in exercise of its power under Section 482 in a given case, the Court can quash an FIR even if it pertains to a non-compoundable offence. That keeping in view the aforesaid judicial pronouncements and also taking note of the fact that in terms of the order passed by this Court, the statement of the petitioner and the respondent No. 2 were recorded before this Court wherein both of them have accepted the fact that there is a settlement entered into between the parties, also considering the fact of the petitioner and respondent No. 2 are husband and wife, this Court is of the opinion that a strong case for allowing the prayer made has been made out.

7. Accordingly, in the light of the settlement entered into between the parties as has been stated by the parties before this Court, the FIR dated 08.12.2019 in Crime No. 0039/2019 registered at Mahila Thana Raipur for the offence punishable under section 498-A and 34 of the IPC deserves to be and is accordingly quashed. All the proceedings initiated on the basis of said F.I.R accordingly stands concluded in the light of the settlement between the parties and the pursuant of the FIR by this Court.
8. The CRMP stands allowed and disposed of.

Sd/-

(P. Sam Koshy)
VACATION JUDGE