

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 290 of 2021

1. Dujram Tandan S/o Shri Kanhaiya @ Kanhai Tandan Aged About 27 Years R/o B-18 Civil Line Ward No. 48 Durg P. S. And Tahsil Durg District Durg Chhattisgarh
2. Smt. Kunti Tandan W/o Shri Kanhaiya @ Kanhai Tandan Aged About 50 Years R/o Village Ragra Indori P. S. Pipariya District Kabirdham Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Police Station Pipariya Kabirdham District Kabirdham Chhattisgarh
2. Smt. Dravpati Tandan W/o Shri Dujram Tandan Aged About 19 Years D/o Shri Raj Kumar Kohle, R/o Village Ragra Indori P. S. Pipariya District Kabirdham Chhattisgarh

---- Respondents

For Petitioners : Shri Dheerendra Pandey, Advocate

For State : Shri Sudeep Verma, Dy. Government Advocate

For Respondent No.2 : Shri Deepak Jain, 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 arising out of FIR No. 179/2020 registered at Police Station Pipariya, District – Kabirdham for the offence punishable under Sections 498A, 323, 506, 34 of the IPC on account of amicable settlement arrived at between the parties.
2. Learned counsel for the petitioners would submit that respondent No. 2 who is the wife of petitioner No. 1 has lodged criminal complaint No. 179/2020 before the Police Station Pipariya, District – Kabirdham under Sections 498A, 323, 506, 34 of the IPC against the petitioners. He would further submit that after lodging of the FIR petitioner No. 1 and respondent No. 2 started living together peacefully and their matrimonial life is running

smoothly. Now, there is no dispute between them. Hence, prayed for quashing of the FIR.

3. Learned State counsel submits that final report has not been submitted before the competent Court and matter is still in investigation stage.
4. Learned counsel for respondent No. 2 does not oppose the contentions of the petitioners and would submit that he has no objection if the FIR is quashed.
5. Learned counsel for the petitioners has filed compromise deed executed on 09th October, 2020 and prayed that in view of the settlement that has arrived between the party, the FIR registered before the Police Station Pipariya District Kabirdham bearing registration No. 179 of 2020 dated 24.06.2020 be quashed. In pursuance of the direction of this Court dated 18.03.2021, the petitioner No. 1 and respondent No. 2 appeared before the Additional Registrar (Judicial) of this Court on the same day for recording of their statements 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 FIR No. 179/2020 registered at Police Station Pipariya, District - Kabirdham. Respondent No. 2 has stated that she has voluntarily deposed the statement, it has been executed without fear, pressure or undue influence from the petitioners.
6. 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

¹ (2019) 5 SCC 688

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.”

7. 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.
8. 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 proceedings, 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 the continuation of criminal proceedings will be nothing, but to an abuse of process of law. Accordingly, the FIR bearing registration No. 179/2020 registered against the petitioners at Police Station- Pipariya, District- Kabirdham (C.G.) for committing offence punishable under Sections 498A, 323, 506, 34 of I.P.C., deserve to be and is hereby quashed in the interest of justice.
9. In view of the above, the present petition is allowed. No order as to costs.
10. 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