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HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 335 of 2017

- Smt. Rashmeet Kaur Bhatia W/o Saheb Singh Bhatia, Aged About 25 Years R/o C/o Preetpal Singh Bhatia, Karmchari Colony, Simga, Police Station Simga, District Balodabazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Station Incharge, Police Station Simga, District Balodabazar Bhatapara Chhattisgarh.
2. Union Of India, Through Secretary, Ministry Of External Affairs, New Delhi., District : New Delhi, Delhi
3. Sahib Singh Bhatia S/o Jaspal Singh Bhatia Aged About 29 Years R/o 1 Id-166622-Hib,cgr Team Infosys Ltd. Supporting Data Warehouse And Integration Service, 1- Johndeere Raod, Molin, Il 52807, U S A, 2 C/o Jaspal Singh Bhatia S/o Daljit Singh Bhatia, M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh,
4. Jaspal Singh Bhatia S/o Daljit Singh Bhatia Aged About 56 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh.
5. Paramjeet Kaur Bhatia W/o Jaspal Singh Bhatia Aged About 54 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh.
6. Satnam Singh Bhatia S/o Daljit Singh Bhatia Aged About 60 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh.
7. Satbir Kaur Bhatia W/o Satnam Singh Bhatia Aged About 58 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh.
8. Parvinder Singh Bhatia S/o Satnam Singh Bhatia Aged About 34 Years R/o 1 Hunters Glen Apartments, Saint Luis, Usa 2 C/o Satnam Singh Bhatia S/o Daljit Singh Bhatia, M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh.
9. Maninder Kaur Bhatia W/o Parvinder Singh Bhatia Aged About 35 Years R/o 1 Hunters Glen Aprtments, Saint Luis, Usa 2 C/o Satnam Singh Bhatia S/o Daljit Singh Bhatia, M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tahsil And District Rajnandgaon, Chhattisgarh.

---- Respondents

WPCR No. 155 of 2018

1. Saheb Singh Bhatia S/o Jaspal Singh Bhatia Aged About 29 Years Occupation - Service , C G R Team Infosys Ltd. Supporting Data Warehouse And Integration Service , 1 - Johndeere Road , Moline , Illinois , I L - 52807 , U S A, Permanent R/o M- 23 Lalgagh Housing Board Colony , Rajnandgaon Police Station Basantpur Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Jaspal Singh Bhatia S/o Daljit Singh Bhatia Aged About 57 Years R/o M-23 Lalbagh, Housing Board Colony , Rajnandgaon Police Station Basantpur , Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. Paramjeet Kaur Bhatia W/o Jaspal Singh Bhatia Aged About 55 Years R/o M-23 Lalbagh, Housing Board Colony , Rajnandgaon Police Station Basantpur , Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. Satnam Singh Bhatia S/o Daljit Singh Bhatia Aged About 63 Years R/o M-23 Lalbagh, Housing Board Colony , Rajnandgaon Police Station Basantpur , Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
5. Satbir Kaur Bhatia W/o Satnam Singh Bhatia Aged About 59 Years R/o M-23 Lalbagh, Housing Board Colony , Rajnandgaon Police Station Basantpur , Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
6. Parvinder Singh Bhatia S/o Satnam Singh Bhatia Aged About 34 Years Presently Residents Of Hunter S Glen Apartments , Saint Louis , U S A . Permanent Residents Of M-23 Lalbagh, Housing Board Colony , Rajnandgaon Police Station Basantpur , Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
7. Maninder Kaur Bhatia W/o Parvinder Singh Bhatia Aged About 35 Years Presently Residents Of Hunter S Glen Apartments , Saint Louis , U S A . Permanent Residents Of M-23 Lalbagh, Housing Board Colony , Rajnandgaon Police Station Basantpur , Tehsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
8. Amandeep Kaur Gurudutta W/o Daljeet Singh Gurudutta Aged About 32 Years R/o Ashok Colony Ganesh Nagar Gondia Maharashtra, District : Gondiya * Maharashtra

---- Petitioners

Versus

1. Rashmeet Kaur Bhatia W/o Saheb Singh Bhatia Aged About 25 Years C/o Preetpal Singh Bhatia , Karmchari Colony , Sigma Police Station Simga , District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. State Of Chhattisgarh Through Superintendent Of Police , District Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Station House Officer , Police Station Simga District Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner in : Mr. Arvind Shrivastava, Advocate
WPCR No. 335 of 2017
and respondent No.1 in
WPCR No. 155 of 2018.

For Petitioner in : Mr. Ranbir Singh Marhas, Advocate
WPCR No. 155 of 2018
& respondents No. 3 to 9
in WPCR No. 335 of 2017

For State : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Narendra Kumar Vyas
Order on Board

26-07-2021

1. Since both the petitions arise out of same incident, they are heard analogously and are being disposed of by this common order.
2. Writ Petition (CR) No. 335 of 2017 has been filed under Section 226 of the Constitution of India for issuance of direction to respondent No.1/State authority to take cognizance and to investigate upon the offences committed by the accused persons. Writ Petition No. 155 of 2018 has been filed under Section 226 of the Constitution of India, seeking quashment of FIR No. 0233 of 2017 registered at Police Station Simga on 14-8-2017 against the petitioners at the instance of respondent No.1 for offence punishable under Section 498-A, 109, 377 read with Section 34 of IPC.
3. The case of the prosecution, in brief, is that the marriage between petitioner (Smt. Rashmit Kaur Bhatia) in WPCR No. 335 of 2017 who is respondent No.1 in WPCR No. 155 of 2018 and petitioner No.1 Saheb Singh Bhatia in WPCR No. 155 of 2018 and respondent No.3 in WPCR No./ 335 of 2017 was solemnized on 8-2-2014.. There was some dispute between wife

and husband, therefore, wife/Smt. Rashmeet Kaur Bhatia filed a complaint under Sections 377, 498-A read with Section 34 of IPC on 17-02-2015 (Annexure P/5), thereafter, they compromise as per letter of agreement dated 7-5-2015 (Annexure P/7). Accordingly, compromise petition under Section 482 of Cr.P.C., was filed before this court which was registered as Cr.M.P.No.754 of 2015. The said case was allowed in terms of settlement arrived at between the parties on 7-5-2015 by order dated 26-8-2015 passed by this court and thereafter, both wife and husband on certain terms and conditions stayed in Chandigarh for about 5 months and thereafter when husband /Sahib Singh Bhatia shifted to USA in connection with his job in February 2016, they stayed together in USA for about 14 months where the husband started harassing and torturing to wife/Smt. Rashmeet Kaur Bhatia. However, she she has somehow managed to save herself and come back to her parental home and lodged FIR bearing No. 0233 of 2017 on 14-8-2017 (Annexure P/1) against her husband and in laws who are petitioners No.1 to 7 in WPCR No. 155 of 2018 for the offence punishable under Sections 377, 498-A read with Section 34 of IPC.

4. Learned counsel for the petitioners in WPCR No. 155 of 2018 would submit that they have filed the present petition for quashing of FIR No. 0233 of 2017 on 14-8-2017 (Annexure P/1) registered at Police Station Simga against the petitioners on the strength of settlement arrived at between the parties. The relevant clause of settlement is extracted as under:

- "The estranged couple shall have, marriage dated 08.02.2014 of Rashmeet Kaur Bhatia and Sahib Singh Bhatia, dissolved by a decree of divorce by mutual consent.
- Jaspal Singh Bhatia, father of First Party, on his behalf (on behalf of First Party) will pay 25 lakh rupees to second party in following manners;

First installment of Rs.12.5 lakh is paid on 19/7/2021 with two demand drafts issued by Bank of Baroda, Rajnandgaon in Second Party's name,

bearing number 1117864 for Rs.3,50,000.00 (Rupees Three Lakhs fifty thousand only) and Number 117865 for Rs.9,00,000.00 (Rupees Nine Lakh only) total Rs.12,50,000.00 (Rupees Twelve Lakh Fifty thousand only) for filing of application/petition, to get the FIR No.233/2017 and the Criminal Case No.592/2018, pending in Court of Judicial Magistrate First Class, Simga, Balodabazar-Bhatapara (CG), quashed, by moving joint application.

Second Installment of Rs.12.5 lakh will be paid before or just prior to filing of application, to have marriage dated 8-2-2014 of Rashmeet Kaur Bhatia and Sahib Singh Bhatia, dissolved by a decree of divorce by mutual consent.

- It is agreed between the parties, that the Estranged Couple have amicably settled all their disputes towards Stridhan (Gold and all other Articles), permanent alimony, maintenance and/or any other claim.
- Second party and her family members are not claiming and will not claim anymore amount or things in future, against the same, as she has already received all her belongings and there remains nothing, in any manner, to claim.
- It is agreed between the parties, that in future, both the parties shall not file any FIR/suit/petition/complaint-criminal or civil, against each other and/or against the family members of each other”.

5. This Court vide its order dated 22.07.2021 has directed the Power of Attorney Holder of wife and husband to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 22-7-.2021. In pursuant of the direction of this Court, they have entered their appearance and stated in unequivocal terms that now there is no dispute between the wife and husband.

6. Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**¹, has summarized the

¹ (2019) 5 SCC 688

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.”

7. Though the offence under Sections 498-A, 109, 377 read with Section 34 of IPC is non-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 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 in WPCR No. 155 of 2018. 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, FIR No. 0233 of 2017 dated 14-8-2017 (Annexure P1) registered against the petitioners in WPCR No. 155 of 2018 at Police Station-Simga, for committing offence punishable under Sections 498-A

² (2013) 5 SCC 226

109, 377 read with Section 34 of I.P.C., deserves to be and is hereby quashed.

9. In view of the above, WPCR No.155 of 2018 filed by the petitioner Saheb Singh Bhatia is allowed and so far as WPCR No.335 of 2017 preferred by the petitioner Smt. Rashmeet Kaur Bhatia is concerned, the same is disposed of in terms of settlement arrived at between them. No order as to costs.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju