

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 361 of 2021

1. Vishal Idnani S/o Late Nandkishore Idnani, Aged About 29 Years R/o Village No. 9, Drim Vila Phase-Iii, Pable Way Bagmugaliya Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh
2. Meetu Idnani, W/o Late Nandkishore Idnani, Aged About 52 Years R/o Village No. 9, Drim Vila Phase-Iii, Pable Way Bagmugaliya Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh
3. Laxmi Devi Idnani, W/o Late Shri Bhojraj Idnani, Aged About 72 Years R/o Village No. 9, Drim Vila Phase-Iii, Pable Way Bagmugaliya Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh
4. Dinesh K. Idnani S/o Late Shri Bhojraj Idnani, Aged About 54 Years R/o Village No. 9, Drim Vila Phase-Iii, Pable Way Bagmugaliya Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh
5. Neha Idnani, W/o Dinesh K. Idnani, Aged About 52 Years R/o Village No. 9, Drim Vila Phase-Iii, Pable Way Bagmugaliya Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh
6. Manish Kumar Idnani, S/o Late Shri Bhojraj Idnani, Aged About 51 Years R/o House No. 4, Phase- li, Golden City, Hoshangabad Road, Jatkhedi Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh
7. Vineeta Idnani, W/o Manish Kumar Idnani, Aged About 50 Years R/o House No. 4, Phase- li, Golden City, Hoshangabad Road, Jatkhedi Bhopal, District Bhopal (M.P.), District : Bhopal, Madhya Pradesh

---- Petitioners

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Mahila Thana, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Mahak Jadwani, W/o Vishal Idnani, Aged About 27 Years R/o Nal Ghar, Ahmed Ji Colony, Near Saint Pall Church, Null Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Mrs. Fouzia Mirza, Sr. Advocate with Mr. Rahim Ubwani and Mr. Navin Shukla, Advocate
For State/respondent No.1	:	Mr. Aditya Tiwari, Panel Lawyer
For Respondent No.2	:	Mr. Alber Ahmed Farooqui, Adv.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

20-09-2021

1. The petitioners have filed the present petition under Section 482 of the Cr.P.C, seeking quashment of FIR bearing Crime No. 6 of 2020 registered at Police Station Mahila Thana, District Raipur for the offence punishable under Sections 323, 34, 498A and 506 of the IPC on account of amicable settlement arrived at between the parties.
2. The case of the prosecution, in brief, is that the marriage was solemnized between the petitioner No.1 (husband) and respondent No. 2 (wife) on 18-01-2019. Thereafter the petitioners used to torture the complainant/respondent No.2 for demand of dowry and thereafter respondent No. 2 lodged report against the petitioners before police station Mahila Thana, Raipur on the basis of which FIR bearing Crime No. 6 of 2020 was registered for offence punishable under Sections 323, 34, 498-A and 506 of IPC.
3. Learned counsel for the petitioners would submit that he has filed the present Cr.M.P. for quashing of FIR bearing Crime No. 6 of 2020. He further submits that he has filed this Cr.M.P. for quashment of the FIR on the strength of settlement arrived between the petitioners and respondent No. 2 and now they don't want to continue with the criminal case. He further submits that the petitioner No.1 and respondent No. 2 have settled their dispute and applied for mutual divorce before the Family Court Raipur.
4. This Court vide its order dated 5-8.2021 has directed the petitioners and respondent No. 2 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 9-9-2021. In pursuance of the direction of this Court, the petitioner No.1 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. 6 of 2020. She has stated that she has voluntarily deposed that statement, it has been executed without fear, pressure or

undue influence from the petitioners.

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 impart 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.”

6. Though the offence under Section 498A 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.
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

¹ (2019) 5 SCC 688

² (2013) 5 SCC 226

petitioners. 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 bearing registration No.6 of 2020 registered against the petitioners at Mahila Thana, District Raipur (C.G.) for committing offence punishable under Sections 323, 34, 498-A and 506 of I.P.C., deserves to be and is hereby quashed.

8. In view of the above, the present petition is allowed. No order as to costs.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju