

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 924 of 2021

1. Devesh Ranjan D/o Devendra Prasad Singh Aged About 31 Years R/o Village Boariya Thana Saraye District Vaishali Bihar.
2. Sangita Singh W/o Devendra Prasad Singh Aged About 53 Years R/o Village Boariya Thana Saraye District Vaishali Bihar.
3. Devendra Prasad Singh S/o Late Raghuvansh Narayan Singh Aged About 65 Years R/o Village Boariya Thana Saraye District Vaishali Bihar.
4. Divyani Singh S/o Devendra Prasad Singh Aged About 28 Years R/o Village Boariya Thana Saraye District Vaishali Bihar. ---- **Petitioners**

Versus

1. State of Chhattisgarh Through Police Station House Officer Sarkanda District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Rakhi Singh D/o Ajay Kumar Aged About 28 Years R/o Surya Vihar Colony Seepat Road Sarkanda Bilaspur District Bilaspur Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Gajendra Singh, , Advocate
For State	: Shri Vinod Tekam, Panel Lawyer
For Respondent No.2	: Shri Aditya Khare, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

29-09-2021

1. The present petition under Section 482 of the Cr.P.C. has been filed seeking quashment FIR No. 45 of 2021 registered at Police Station Sarkanda, Bilaspur for the offence punishable under Section 498A, 34 of the IPC on account of amicable settlement arrived at between the parties.
2. Learned counsel for the petitioner would submit that marriage was solemnized between the petitioner and respondent No. 2/complainant on 14-5-2019 under the Hindu customary rites and rituals. Petitioners No.2 and 3 mother-in-law and father-in-law of respondent No.2 whereas petitioner No.4 is sister-in-law of respondent No.2. After few years petitioner No.1 and

respondent No.2 decided not to live together and thereafter respondent No. 2 lodged FIR against the petitioners before police station Sarkanda, District Bilaspur for the offence punishable under Section 498A,. 34 of the IPC on 11-01-2021.

3. Learned counsel for the petitioners would submit that he has ave filed the present Cr.M.P. for quashing of FIR No. 45 of 2021. He further submits that he has filed this Cr.M.P. for quashment of 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.
4. This Court vide its order dated 23-09.2021 has directed the petitioners and respondent No. 2 to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 23-09-2021. In pursuance of the direction of this Court, the petitioners 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. 45 of 2021. 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

¹ (2019) 5 SCC 688

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.”

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 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. 45 of 2021 registered against the petitioners at Police Station- Sarkanda, District Bilaspur (C.G.) for committing offence punishable under Section 498-A , 34 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

² (2013) 5 SCC 226