

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 926 of 2021**

1. Pranav Shekhar Gupta S/o Late Shri Arvind Kumar Gupta Aged About 34 Years, R/o MIG C-118, Nehru Nagar, P. S. Kamla Nagar, District Bhopal, M. P.
2. Smt. Shubh Prabha Gupta W/o Shri Arvind Kumar Gupta Aged About 59 Years, R/o MIG C-118, Nehru Nagar, P. S. Kamla Nagar, District Bhopal, M. P.

---- Petitioners**Versus**

1. State of Chhattisgarh, Through : P. S. Bankimongra, District Korba, Chhattisgarh.
2. Smt. Garima Gupta D/o Shri Anand Mohan Gupta Aged About 29 Years, R/o 2-C/3, Officers Colony, Banki Mongra District Korba, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Achyut Tiwari, Adv.
For State/Respondent No. 1.	:	Shri Sushil Sahu, P.L.
For Respondents No. 2	:	Shri Hemant Gupta, Adv.

Hon'ble Smt. Justice Rajani Dubey, J.
Order on Board

17/12/2021

Heard.

1. By this petition quashing of FIR No. 4/2019 under Section 498-A of IPC and 3, 4 of Dowry Prohibition Act, registered at Police Station Banki Mongra, District Korba is sought by the petitioners.
2. Both the parties have filed Affidavit dated 15.06.2021 before 2nd Additional Principle Judge, Family Court, Bhopal, reporting that they have settled their disputes amicably and have jointly filed an application for grant of divorce by mutual consent under Section 13-B of Hindu Marriage Act, 1955

(Annexure-P/3). The execution of the compromise petition by way of filing of Affidavit is admitted by the parties. In view of the compromise entered into between the parties, the respondent No.2/complainant has no objection to quash the entire proceedings in connection with aforementioned FIR.

3. The factual aspects of this case discloses that petitioner No. 1 is husband and petitioner No. 2 is mother-in-law of the respondent No. 2. Respondent No. 2 was married with petitioner No. 1 on 11.11.2016. After marriage respondent No. 2 lived with petitioners till 2017, since then they are living separately. Thereafter, respondent No. 2 lodged an FIR No. 04/2019 against petitioners at P.S. Banki-Mongra, District-Korba (C.G.) under Section 498-A of IPC and 3, 4 of Dowry Prohibition Act. After completion of investigation, charge-sheet was filed before JMFC, Katghora, District-Korba (Annexure-P/2). During pendency of the trial, petitioners and respondent No. 2 have settled their disputes amicably and complainant has stated in her statement that as the subject matter of dispute has been amicably resolved and now no grievance against the petitioners survives therefore, the proceedings arising out of FIR in question be brought to an end.

4. The Hon'ble Supreme Court in the matter of **Prabhatbai Aahir Vs. State of Gujarat & Another** passed in **(2017) 9 SCC 641** held in para 16 as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or

similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.

5. The Hon'ble Supreme Court has recognized the need of amicable resolution of dispute in cases like the instant one in **Gian Singh Vs. State of Punjab and Another** in (2012) v **10 SCC 303** by observing as under:

“In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. It is a well settled law that where the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy. Non-compoundable offences are basically an obstruction in entering into compromise. In certain cases the main offence is compoundable but the connected offences are not. In the case of **B.S. Joshi and Others Vs. State of Haryana and**

another (2003) 4 SCC 675 the Hon'ble Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. In the nutshell, the Hon'ble Apex Court justified the exercise of powers under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice in view of the special facts and circumstances of the case, even where the offences were non-compoundable.

7. In the light of the aforesaid matters, this Court is of the view that notwithstanding the fact the offence under Section 498-A of IPC and 3, 4 of Dowry Prohibition Act are non-compoundable offence, there should be no impediment in quashing the FIR under these Sections, if the Court is otherwise satisfied that the facts and circumstances of the case so warrant.
8. In the facts and circumstances of this case and in view of statement made by the respondent No.2, the FIR in question warrants to be put to an end and proceedings emanating thereupon need to be quashed.
9. Accordingly, this petition is allowed and FIR No. 04/2019 under Section 498-A of IPC and 3, 4 of Dowry Prohibition Act registered at Police Station Banki-Mongra, District Korba (C.G.) and the proceedings emanating therefrom are quashed against the petitioners.
10. The petition is accordingly disposed of.

Sd/-
(Rajani Dubey)
Judge