

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 1359 of 2020**

1. Khem Singh @ Nanku Pendro, aged about 25 years, S/o Late Kuman Singh Pendro, R/o Village Mudatola, behind Government College, P.S. Marvahi, Distt. Bilaspur (CG)
2. Gaytri Porte, W/o. Nand Lal Porte, aged about 35 years, R/o Village Ghumatola, Marvahi, Distt. Bilaspur (CG)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through S.H.O. P.S. Sarkanda, Distt. Bilaspur (CG)
2. Smt. Anuradha Singh Markam, W/o Khem Singh, aged about 25 years, R/o Jabdapara, Sarkanda, Distt. Bilaspur (CG)

--- Respondents

For Petitioners	: Mr. Bharat Lal Dembra, Advocate
For Respondent No.1/State	: Mr. Vinod Tekam, P.L.
For Respondent No.2/Complainant	: Ms Vijay Laxmi Soni, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11.2.2021**

1. The petitioners by way of this petition under Section 482 of the CrPC seek quashment of criminal proceedings pending in the Court of Judicial Magistrate First Class, Bilaspur in Criminal Case No.4408/2019 on the basis of FIR lodged by respondent No.2 at Police Station-Sarkanda, Distt. Bilaspur in Crime No.542/2019 for offence punishable under Section 498-A/34 of the IPC.

2. Pursuant to order of this Court, the petitioners and respondent No.2/complainant have been recorded their statements before the Additional Registrar (J.) in which they have stated that they have settled

their dispute amicably and as such, there is no grievance subsisting between them and therefore, respondent No.2/complainant is not willing to continue the criminal proceedings.

3. Learned counsel for the petitioners submits that the dispute between the parties has been amicably settled and pursuant to order of this Court, the petitioners and respondent No.2 have been examined before the Additional Registrar (J.) and their statements have been recorded in which they have stated that they have settled their dispute amicably. He further submits that divorce petition is pending consideration for 18th June, 2021, as such, the proceedings be quashed.

4. Mr. Vinod Tekam, learned State counsel, would submit that offence under Section 498-A of the IPC is compoundable with the leave of the Court.

5. I have heard learned counsel for the parties, considered their submissions and went through the records with utmost circumspection.

6. The scope and ambit of the power conferred on this Court by Section 482 of the CrPC read with Articles 226 and 227 of the Constitution of India in the particular context of prayer for quashing criminal proceedings has been examined by the Supreme Court in the matter of **B.S. Joshi and others v. State of Haryana and another**¹ and thereafter, in the matter of **Gian Singh v. State of Punjab**², and ultimately, noticing the aforesaid decisions, finally, in the matter of **Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another**³, their Lordships of the Supreme Court in the context of matrimonial disputes resulting into criminal proceedings,

held as under: -

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.”

7. Reverting to the facts of the present case in light of the aforesaid principle of law laid down by their Lordships of the Supreme Court, it is quite vivid that the parties have settled their dispute amicably and further that divorce petition is pending consideration before the Family Court, Bilaspur for 18th June, 2021 and petitioner No.1 and respondent No.2 have recorded their statements before the Additional Registrar (J.) at the instance of this Court wherein they have clearly stated that they have compromised and settled the dispute amicably outside the Court, I am satisfied that it is a fit case where inherent jurisdiction of this Court under

Section 482 of the CrPC can be exercised by quashing the criminal proceedings pending against the petitioners, as they have resolved the dispute amicably.

8. Accordingly, the petition is allowed and criminal proceedings in Criminal Case No.4408/2019 (State Vs. Khem Singh and another) pending against the petitioners in the Court of Judicial Magistrate First Class, Bilaspur for the offence punishable under Section 498-A/34 IPC is hereby quashed and the petitioners are acquitted of the said charge.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-