

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1398 of 2020**

1. Ajay Jaiswal, Aged about 33 years, S/o Shri Raghulal Jaiswal,
 2. Smt. Savitri Bai, Aged about 52 years (wrongly mentioned as 47 years in impugned order) W/o-Shri Haricharan Jaiswal,
 3. Reghulal Jaiswal, Aged about 55 years, S/o-Shri Haricharan Jaiswal,
- All are R/o-Village-Chainpur, P.S.-Kartala, District-Korba, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through – Station House Officer, P.S.-Kartala, District-Korba, Chhattisgarh
2. Smt. Kiran Jaiswal, W/o.-Ajay Jaiswal, R/o-Village-Shish, P.S.-Ratanpur, District-Bilaspur, Chhattisgarh

---Respondents

For Petitioners: Mr. Pawan Shrivastava, Advocate
 For Respondent No.1: Mr. Suyash Dhar, P.L.
 For Respondent No.2: Mr. Pankaj Jaiswal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05.02.2021.**

1. The petitioners have preferred this petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashment of criminal proceedings in Criminal Case No.209/2016 (State of Chhattisgarh Vs. Ajay Jaiswal and others) pending against them in the Court of Judicial Magistrate First Class,

Kartala for the offence punishable under Section 498-A/34 IPC.

2. Pursuant to order of this Court, statements of the petitioners and respondent No.2 have been recorded, in which respondent No.2/complainant has categorically stated that relation has become cordial and petitioner No.1 and respondent No.2 are living happily together as husband and wife, as such, criminal proceedings be quashed.
3. Learned counsel for the petitioners and learned counsel for respondent No.2 would submit that the dispute between the parties has been amicably settled and pursuant to the order of this Court, the petitioners and respondent No.2 have been examined before the Additional Registrar (Judl.) and their statements have been recorded.
4. Mr. Suyash Dhar, 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 and considered their rival submissions made hereinabove and also 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: -

“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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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. Applying the principle of law laid down by the Supreme Court in the above-stated judgments (supra) to the facts of the present case, it is quite vivid that parties have settled their dispute amicably as petitioner No.1 and respondent No.2 are living together as husband as wife and they have recorded their statements before the Additional Registrar (Judicial) 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.209/2016 (State of Chhattisgarh Vs. Ajay Jaiswal and others) pending against the petitioners in the Court of Judicial Magistrate First Class, Kartala 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/-