

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1454 of 2021**

1. Krishna Kumar Tiwari S/o Late Shri Ram Sanehi Tiwari Aged About 34 Years R/o Chatidih Rapta Chowk Near Hanuman Mandir, Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.
2. Ram Sanehi Tiwari (Now Dead) Nil.
3. Smt. Ram Kumari (Kusum Tiwari) W/o Ram Sanehi Tiwari Aged About 60 Years R/o Chatidih Rapta Chowk Near Hanuman Mandir, Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.
4. Beena Tiwari D/o Ram Sanehi Tiwari Aged About 36 Years R/o Chatidih Rapta Chowk Near Hanuman Mandir, Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.
5. Roshan Sharma S/o Heera Lal Sharma Aged About 36 Years R/o Om Nagar Jarhabhatha, Bilaspur, District Bilaspur, Chhattisgarh.
6. Vijaylakshi W/o Roshan Sharma Aged About 35 Years R/o Om Nagar Jarhabhatha, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh, Through: Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.
2. Smt. Rajni @ Sonal Tiwari W/o Krishna Tiwari Aged About 34 Years R/o Shubham Vihar, Behind Lafagarh Gas Godam, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Pawan Kesharwani, Adv.
For State/Respondent No. 1	:	Mr. Akhtar Hussain, P.L.
For Respondent No. 2.	:	Mr. Anmol Sharma, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****Date- 17/12/2021**

Heard.

Admit.

1. The present petition has been filed for quashing of criminal proceedings in connection with FIR No. 441/2018, registered at police station Sarkanda, Bilaspur, District Bilaspur, C.G., for the offence

punishable under Sections 498-A, and 34 of Indian Penal Code and all the subsequent criminal proceeding of Criminal Case No. 5978/2018, pending before the learned Judicial Magistrate First Class, Bilaspur .

2. It is condended by both the parties that they have settled the dispute, the statements of the parties have been recorded and they do not want to prosecute the matter further therefore, the proceedings of the criminal case may be quashed. On 03.12.2021 the petitioner No. 1 and respondent No. 2 have moved an application for compromise and prayed to compound the offence under Sections 498-A, 34 along with application under Section 320(1) of Cr.P.C. before the learned Court below. The learned Court below after hearing both the parties rejected the application for compounding the offence under Sections 498-A, 34 of IPC. Copy of the applications filed by the respondent No. 2 which is annexed herein as Annexure-P/3(colly).

3. In compliance to the Court's order dated 15.12.2021, statements of the parties got recorded on 15.12.2021 before the Registrar (Judicial) with regard to genuineness of the compromise.

4. The case of the complainant/respondent No. 2 is that on 19.04.2016 the marriage between the petitioner No. 1 and respondent No. 2 was solemnized at Bilaspur as per Hindu rights and rituals, after the marriage the respondent No. 1 creating a seen in house of the petitioner, torturing the petitioner and his family members. After some time of marriage a dispute has been arose between the petitioner and respondent No. 2 and she has made a complaint before the police station Sarkanda and on the basis of the complaint police registered an FIR under section 498-A, 34 of IPC against the petitioners. Copy of the

charge-sheet is annexed herein as annexure-P/2(colly).

5. Hon'ble Apex Court in the matter of **Gian Singh Vs. State of Punjab and Another** reported in **(2012) Vol. 10 SCC 303**, has stated that the position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding of FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime in question and has laid down the above principles and held that:

“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 wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in 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.

7. Thus, after carefully considering the facts and circumstances of the case, as also the law relating to the continuance of criminal cases where the complainant and the accuse had settled their differences and had arrived at an amicable arrangement and in view of the statement made by the respondent No. 2 that they have arrived at amicable settlement, the FIR in question warrants to be put to an end and the proceedings emanating thereupon needs to be quashed.

8. Accordingly, the petition is allowed. The FIR No. 441/2018 registered against the petitioners at Police Station Sarkanda, Bilaspur, District Bilaspur, C.G. under Sections 498-A, 34 of Indian Penal Code and all the subsequent proceedings going in Criminal Case No. 5978/2018 before the learned Judicial Magistrate First Class, Bilaspur are hereby quashed.

Sd/-
(Rajani Dubey)
JUDGE