

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 2275 of 2019**

Navdeep Tiwari S/o Shri Nand Kumar Tiwari Aged About 36 Years
Resident Of Vill- Tekari, P.S. - Vidhansabha , Tah. And Dist. Raipur
Chhattisgarh....(Petitioner)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Thana In Charge, P.S. - Mahila Thana, Tah. And Dist. - Raipur Chhattisgarh.
2. Smt. Abhilasha Tiwari D/o Shri H.K. Sharma Aged About 46 Years Resident Of - H.D.D. - 266, Kabir Nagar, District Raipur Chhattisgarh.....(Respondents)

---Respondents

For Petitioners	: Shri Azad Siddiqui, Advocate
For Respondent No.1/State	: Shri Ravi Bhagat, Dy. Govt. Advocate and Shri Vinod Tekam, Panel Lawyer
For Respondent No.2	: Shri Bhavesh Acharya, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20.01.2021.**

1. The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashment of FIR registered at Police Station Mahila Thana Raipur, Distt. Raipur in Crime No.19/2017 for offence punishable under Section 498-A of IPC at the instance of respondent No.2.
2. Learned counsel for the petitioner submits that the dispute between the parties has been amicably settled and pursuant to the order of this Court, the petitioner and respondent No.2 have been examined before the Additional Registrar (Judl.) and their statements have been recorded. He

further submits that divorces has already been granted by Family Court on the basis of mutual consent of the parties.

3. Mr. Ravi Bhagat, learned State counsel, would submit that offence under Section 498-A of the IPC is compoundable with the leave of the Court.

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

5. 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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.”

6. 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 offence under Section 498-A of the IPC is compoundable with the leave of the Court and taking into consideration that the parties have settled their dispute amicably as per the agreement that they entered into and further considering that divorce has already been granted to them by the Family Court and alimony and other disputes have already been settled and the petitioner and respondent No.2 have recorded their statement 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 petitioner, as they have resolved the dispute amicably.

7. Accordingly, the petition is allowed and criminal proceedings in

Criminal Case No.7818/2017 (State Vs. Navdeep Tiwari) pending against the petitioner in the Court of Judicial Magistrate First Class, Raipur for the offence punishable under Section 498-A IPC is hereby quashed and the petitioner is acquitted of the said charge.

Sd/-

(Sanjay K. Agrawal)
JUDGE

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