

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No.1476 of 2021**

1. Hemant Kumar Sahu Son Of Amrit Lal Aged About 33 Years Caste Teli, Aged About 33 Years, R/o. Village Mudpar, Police Station Hasaud, District Janjgir-Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh
2. Amrit Lal Sahu Son Of Shyam Lal Sahu Aged About 56 Years R/o. Village Mudpar, Police Station Hasaud, District Janjgir-Champa (Chhattisgarh)
3. Smt. Geeta Sahu Wife Of Amrit Lal Sahu Aged About 52 Years R/o. Village Mudpar, Police Station Hasaud, District Janjgir-Champa (Chhattisgarh)
4. Yogesh Kumar Sahu Son Of Amrit Lal Aged About 32 Years R/o. Village Mudpar, Police Station Hasaud, District Janjgir-Champa (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station Hasaud, District Janjgir-Champa (Chhattisgarh)
2. Smt. Radhika Sahu Wife Of Hemant Sahu Aged About 32 Years At Present R/o. Ward No. 2, Near Adhora Ashram, Dabhara, District Janjgir-Champa (Chhattisgarh) (Complainant)

-----Respondents

For Petitioners:

Shri Ganesh Ram Burman, Advocate.

For Respondent No.1/State:

Shri Shakti Singh Thakur, PL

For Respondent No.2:

Shri Praveen Shrivastava, Advocate.

Single Bench:Hon'ble Shri Deepak Kumar Tiwari J
Order On Board**20.12.2021**

1. This Petition has been filed under Section 482 Cr.P.C seeking quashment of the FIR and the entire proceeding pending before the Judicial Magistrate, First Class, Jaijaipur, District Janjgir-Champa (CG) in Criminal Case No.133/2019 arising out of the Crime No. 22/2019 for the offence punishable under Section 498-A/34 IPC on account of amicable settlement arrived at between the parties.
2. Learned Counsel for the Petitioners submits that the marriage was solemnized between Petitioner No.1 and Respondent No.2/complainant on 14.02.2013 according to Hindu customs and rituals. Respondent

No.2/complainant has filed a complaint before P.S Hasaud, District Janjgir-champa for which, offence under Section 498-A/34 was registered against the Petitioners. Now Petitioner No.1 and Respondent No.2/complainant have settled their dispute and Respondent No.2/complainant is also residing with the Petitioners since 2 years peacefully. Complainant/Respondent No.2 has also filed another complaint under Section 12 of The Protection of Women from Domestic Violence Act, 2005, which was also compromised in Lok Adalat in M.J.C No.04/2017 before the 4th Civil Judge, Class-2, Raigarh and vide order dated 11.09.2021, the said case has been closed. The complainant also executed an affidavit for compounding the offence and has stated that she does not want to proceed with the case before the Judicial Magistrate, First Class, Jaijaipur, District Janjgir-Champa in Criminal Case No.133/2019, therefore, it is prayed to quash the FIR bearing Crime No.22/2019 registered at PS Hasaud and criminal proceedings pending before the Judicial Magistrate, First Class Jaijaipur, District Janjgir-Champain in Criminal Case No.133/2019.

3. Heard the submissions made by both the parties and also considered the documents annexed with the Petition.

4. Though the offence under [Section 498-A](#) IPC is not compoundable but this can be quashed with the leave of this Court. The law has been well settled by the Supreme Court in case of *K. Srinivas Rao Vs. D.A. Deepa* reported in **(2013) 5 SCC 226**, wherein the Supreme Court has observed as under:-

“We, therefore, feel that though offence punishable under Section 498-A IPC is not compoundable, in appropriate cases if the parties are willing and if it appears to the criminal court that there exist elements of settlement, it should direct the parties to explore the possibility of settlement through mediation. This is, obviously, not to dilute the rigour, efficacy and purport of Section 498-A IPC, but to locate cases where the matrimonial dispute can be nipped in bud in an equitable manner. The Judges, with their expertise, must ensure that this exercise does not lead to the erring spouse using mediation process to get out of clutches of the law. During mediation, the parties can either decide to part company on mutually agreed terms or they may decide to patch

up and stay together. In either case for the settlement to come through, the complaint will have to be quashed. In that event, they can approach the High Court and get the complaint quashed. If, however, they choose not to settle, they can proceed with the complaint. In this exercise, there is no loss to anyone. If there is settlement, the parties will be saved from the trials and tribulations of a criminal case and that will reduce the burden on the courts which will be in the larger public interest. Obviously, the High Court will quash the complaint only if after considering all circumstances it finds the settlement to be equitable and genuine. Such a course, in our opinion, will be beneficial to those who genuinely want to accord a quietus to their matrimonial disputes.”

5. In view of the settled legal position, as the parties have amicably settled their dispute and Respondent No.2/wife is now residing with the Petitioner No.1/husband peacefully and she does not want to continue with the criminal case, this Court is of the considered opinion that there is sufficient material for this Court to quash the criminal proceeding initiated against the Petitioners. However, this Court is of the opinion that continuation of criminal proceedings will be nothing but abuse of process of law.

6. Accordingly, criminal case No.133/2019 pending before the Judicial Magistrate, First Class, District Janjgir Champa as well as FIR No.22/2019 registered at PS Hasaud, District Janjgir-Champa for committing offence punishable under Section 498-A IPC deserve to be and are hereby quashed in the interest of justice.

7. In view of above, the Petition is allowed. No order as to costs.

8. A copy of this order be sent to the concerned Magistrate for necessary compliance and closure of the proceedings.

Sd/-

(Deepak Kumar Tiwari)
JUDGE