

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2481 of 2019

- Smt. Jagriti Chandrakar W/o Shri Mahesh Verma Aged About 31 Years Through - Rewaram Chandrakar (Father), R/o Village Santra, Tahsil Patan, District - Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - Police Station Palari, District - Baloda Bazar, Chhattisgarh.
2. Mahesh Kumar Verma S/o Gopal Prasad Aged About 50 Years Raipur, Taluka Arang, District - Raipur, Chhattisgarh.
3. Smt. Nandani Dhurandher W/o Dinbandhu Dhurandher Aged About 32 Years Prasada, Aarang Raipur.
4. Smt. Kanti W/o Gopal Ram Verma Aged About 50 Years Kodwa, Palari, Chhattisgarh.
5. Gopal Ram S/o Derha Ram Aged About 55 Years Palari.
6. Lakhan Ram Verma S/o Derharam Verma Aged About 49 Years Palari.

---- Respondents

For Petitioner	: Shri Mayank Chandrakar, Adv.
For State	: Shri Vinod Tekam, Panel Lawyer
For Respondents No.2 to 6	: Mr. Vivek Kumar Tripathi, Adv.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

29.09.2021

1. The present petition under Section 482 of the Cr.P.C. has been filed seeking quashment of the entire proceedings in Criminal Case No. 913/2014 pending before the learned Judicial Magistrate First Class, Baloda Bazar (C.G.), arising out of FIR No. 298/2013 registered at Police Station Palari, District– Baloda Bazar (CG) for the offence punishable under Section 498-A r/w Section 34 of the IPC on account of amicable settlement arrived at between the parties.
2. This Court vide its order dated 26.08.2021 has directed the petitioner and private respondents to appear before the Additional Registrar (Judicial) of this Court for recording of their statements on 08.09.2021. In pursuant to the direction of this Court, private respondents entered their appearance and

subsequently, petitioner has also recorded her statement before Additional Registrar (Judicial) of this Court and stated in unequivocal terms that now there is no dispute between them, respondents is not willing to continue with the criminal proceedings and prayed for quashment of the FIR No. 298/2013 as well as Criminal Case No. 913/2014. She has stated that she has voluntarily deposed that statement, it has been executed without fear, pressure or undue influence from the petitioner.

3. Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**¹, has summarized the law for quashing of FIR, the relevant paragraphs are extracted below:-

“15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

4. Though the offence under Section 498-A is not compoundable but this can be quashed with the leave of this Court. The law has been settled by the Hon'ble Supreme Court in case of **K. Srinivas Rao Vs. D.A. Deepa**², wherein the Supreme Court has quashed the proceeding initiated under Section 498-A of I.P.C. on the count that husband and wife have mutually settled their dispute.

¹ (2019) 5 SCC 688

² (2013) 5 SCC 226

5. In view of the said legal position, considering the facts and circumstances of the case, the fact that the parties have amicably settled dispute between them and they do not want to continue with the criminal case, this court is of the considered opinion that there is sufficient material for this court to form an opinion to quash the criminal proceeding initiated against the petitioner. Further, this court is of the opinion that the continuation of criminal proceeding will be nothing, but to an abuse of process of law. Accordingly, Criminal Case No. 913/2014 (*State of Chhattisgarh vs. Mahesh Kumar Verma & Ors.*) pending before the learned Judicial Magistrate First Class, Baloda Bazar(C.G.) as well as FIR bearing registration No. 298/2013 registered against the petitioner at Police Station- Palari, District- Baloda Bazar(C.G.) for committing offence punishable under Section 498-A of I.P.C., deserve to be and are hereby quashed in the interest of justice.
6. In view of the above, the present petition is allowed. No order as to costs.
7. Copy of this order be sent to the concerned Judicial Magistrate for necessary compliance and closure of the proceedings.

Sd/-
(Narendra Kumar Vyas)
Judge