

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2705 of 2019**

1. Rahul Singh, S/o Girijesh Singh, Aged about 35 years.
2. Girijesh Singh, S/o Shriram Akshaywar Singh, Aged about 68 years.
3. Smt. Lalima Singh W/o Girijesh Kumar Singh, Aged about 62 years.

All are R/o 55 Mahesh Nagar, In front of Nangwa Ghat, Police Station Lanka, Distt. Varanasi, U.P.

---Petitioners**Versus**

1. State of Chhattisgarh, Through the Station House Officer, Mahila Thana, Raipur, Distt. Raipur, Chhattisgarh.
2. Smt. Vandana Singh, W/o Rahul Singh, Aged about 38 years, R/o Sai Nagar, Kali Mandi Gali, Fafadih Chowk, Police Station Ganj, Distt. Raipur, Chhattisgarh.

--- Respondents

For Petitioners :-

Mr. Pradeep Singh Rathore, Advocate

For Respondent No. 1/State :-

Mr. Ravi Bhagat, Dy. G.A.

For Respondent No. 2 :-

Mr. Krishna Kumar Dewangan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26/02/2021**

1. Petitioners herein seek quashment of FIR No. 22/2010 registered against them at Police Station Mahila Thana, Raipur for offence under Sections 498-A read with Section 34 of IPC at the instance of respondent No. 2/complainant and the subsequent criminal proceeding in criminal case No. 774/2012 pending in the Court of Judicial Magistrate First Class, Raipur.

2. Pursuant to issuance of notice by this Court, liberty was given to petitioner No. 1/husband and respondent No. 2/wife by order dated 08/12/2020 to get their statements recorded before the A.R. (J) in which particularly, respondent No. 2/complainant has clearly stated that the matter has been settled amicably between the parties and the matrimonial proceeding is already going on, therefore, prosecution against the petitioners in the aforesaid criminal case be quashed.

3. I have heard learned counsel for the parties who have clearly stated that petitioner No. 1/husband and respondent No. 2/wife have settled their dispute amicably and the matrimonial proceeding is also likely to come to an end.

4. 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 Raghuwanshi and others v. Babita Raghuwanshi 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

1 (2003) 4 SCC 675

2 (2012) 10 SCC 303

3 (2013) 4 SCC 58

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 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."

5. 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 parties have settled their dispute amicably and have examined themselves before the A.R.(J) wherein they have stated that the dispute has been settled between them and the matrimonial proceeding is also pending conclusion, as such, considering their statement,

it would be in the interest of justice to quash the criminal case pending against the petitioners for offence under Section 498-A read with Section 34 of IPC.

6. Consequently, the FIR No. 22/2010 registered against the petitioners at Police Station Mahila Thana, Raipur for offence under Sections 498-A read with Section 34 of IPC and the subsequent criminal proceeding in criminal case No. 774/2012 pending in the Court of Judicial Magistrate First Class, Raipur are hereby quashed.

7. Accordingly, this writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet