CGHC010325342026 2026:CGHC:46109

NAFR

PAWAN KUMAR JHA
Digitally signed by PAWAN KUMAR JHA
Date: 2026.10.31 17:10:51 +0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2187 of 2026

1. Khoman Lal Ratre S/o - Mohan Lal Ratre, Aged About 30 Years
2. Mohan Lal Ratre S/o - Mahajan Ratre, Aged About 72 Years
3. Dujbai Ratre, W/o Mohan Lal Ratre Aged About 62 Years
4. Mona Urf Sunita, W/o Mohan Lal Ratre, Aged About 26 Years
5. Shashi, D/o Mohan Lal Ratre, Aged About 35 Years
6. Manju Urf Rajkumari, D/o Monan Lal Ratre, Aged About 38 Years

All are R/o - Village - Bhatgaw P. S. - Ranchirai, District - Balod. C.G.

... Petitioners

versus

1. State Of Chhattisgarh Through P. S. - Ranchirai, District - Balod, Chhattisgarh, (Wrongly Mention As Ranchi In The Cause Title)
2. Smt. Dhnujla Ratre Ex - W/o Khoman Lal Ratre, After Her Remarriage The Name Of Her Present Husband - Vishvnath, Aged About 25 Years R/o Bhatgaon, P. S. - Ranchirai, District - Balod, C.G. Present Address - Village - Godmarra, P. S. - Suregaon, District - Balod C.G.

... Respondents

For Petitioner	:	Mr. Hemant Gupta, Advocate
For Respondent-State	:	Mr. H.A.P.S. Bhatia, Dy. Govt. Advocate

SB: Hon'ble Mr. Justice Parth Prateem Sahu

Order on Board

30.10.2026

1. Petitioners have preferred this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')

challenging the order dated 29.07.2026 passed in Criminal Case No. 264/2022 by which learned Judicial Magistrate First Class, Gunderdehi, District Balod, has rejected the application filed under Section 320(1) & (2) of Cr.PC. for compounding of the offence under Section 498-A, 34 of I.P.C. in F.I.R. No. 76/2021 registered at police station Ranchirai.

2. The prosecution story, in brief, is that the marriage of petitioner No.1 Khoman Lal Ratre with respondent No.2 Smt. Dhnujla Ratre was solemnized on 26.05.2021 at Village Thuha, District Dhamtari (C.G.), according to Hindu rites and customs. After some time of marriage, certain matrimonial disputes arose between them. Respondent No.2 alleged that petitioner No.1 used to consume liquor, pressurize her to convert to Christianity and adopt Christian culture, and did not permit her to celebrate Hindu festivals. On the basis of the said allegations, respondent No.2 lodged a report at Police Station Ranchirai, District Balod, on 31.07.2021, pursuant to which Crime No.76/2021 was registered for the offences punishable under Sections 498-A and 34 of the IPC. After investigation, the police filed a charge-sheet before the competent Court, where Criminal Case No.264/2022 is pending before the Judicial Magistrate First Class, Gunderdehi, District Balod.

3. Learned counsel for the petitioners submits that during pendency of the criminal proceedings, matrimonial relationship between petitioner No.1 and respondent No.2 came to an end and they

obtained a decree of divorce on 19.06.2025. Thereafter, respondent No.2 remarried and is residing with her present husband, namely Vishwanath. It is further submitted that the parties and their family members have amicably resolved their disputes and have established cordial relations. Respondent No.2 does not wish to pursue the criminal proceedings against the petitioners. In view of the settlement, the parties jointly moved an application dated 29.07.2026 before the learned Judicial Magistrate First Class, Gunderdehi, seeking permission to compound the offences; however, the said application was rejected by the impugned order dated 29.07.2026, merely on the ground that the offence under Section 498-A of the IPC is non-compoundable. Learned counsel, therefore, submits that continuation of the criminal proceedings would serve no useful purpose and prays that the impugned order be set aside and the criminal proceedings be quashed.

4. Per contra, learned State counsel submitted that the learned trial Court has committed no illegality in rejecting the application filed under Section 320 of the Code of Criminal Procedure, as the offence punishable under Section 498-A of the Indian Penal Code is admittedly non-compoundable.

5. I have heard learned counsel for the parties and perused the material available on record.

6. From the pleading and the record available, it appears that the marriage between petitioner No.1 and respondent No.2 was

solemnized 26.05.2021, and thereafter, on account of certain matrimonial disputes, respondent No.2 lodged the report, pursuant to which Crime No.76/2021 was registered at Police Station Ranchirai for the offences punishable under Sections 498-A and 34 of the IPC. The parties subsequently obtained a decree of divorce on 19.06.2025, and respondent No.2 remarried. During the pendency of the criminal proceedings, the parties resolved their disputes and jointly moved an application before the learned trial Court for compounding the offences. However, learned trial Court rejected the application on the ground that the offence under Section 498-A of the IPC is non-compoundable.

7. This Court, vide order dated 14.10.2026, directed the Additional Registrar (Judicial) to record the statements of the petitioners as well as respondent No.2. Pursuant thereto, the parties appeared before the Additional Registrar (Judicial), and their statements were recorded on the same day.

8. In her statement, respondent No.2, Smt. Dhanujla Ratre, has stated that she had obtained divorce from petitioner No.1 on 19.06.2025 and thereafter remarried. She has further stated that all disputes between her and the petitioners have been amicably resolved, cordial relations have been restored, and she does not wish to continue or pursue any legal proceedings against the petitioners. She has also categorically stated that the settlement has been arrived at voluntarily, without any fear, pressure or inducement, and

that she does not want any further proceedings in Criminal Case No.264/2022 pending before the learned Judicial Magistrate First Class, Gunderdehi.

9. Similarly, petitioner No.1, Khoman Lal Ratre, as also petitioners No. 2, 3, 5 & 6, has also affirmed the settlement. Petitioner No. 1 stated that he and respondent No.2 have dissolve their marriage by decree of divorce, respondent No.2 has remarried, and all disputes between them have been amicably resolved. He further stated that the parties have restored cordial relations and respondent No.2 does not wish to pursue the criminal proceedings against him or the other petitioners. Thus, both sides have unequivocally affirmed the settlement and expressed their willingness to put an end to the pending criminal proceedings.

10. Hon'ble Supreme Court in case of **B.S. Joshi v. State of Haryana and Another**, reported in **(2003) 4 SCC 675**, while considering the exercise of inherent powers of the High Court involving offences under Section 498-A of the IPC, has held as under:

> "**13.** The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad & Ors. [(2000) 3 SCC 693] are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are

> also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.
>
> **14.** There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code."

11. Hon'ble Supreme Court in the case of **Gian Singh v. State of Punjab and Another**, reported in **(2012) 10 SCC 303**, while considering the scope of inherent powers of the High Court in respect of non-compoundable offences, has held that merely because an offence is non-compoundable under Section 320 of the Cr.P.C., the High Court is not precluded from exercising its inherent powers to quash the criminal proceedings where the dispute is essentially private in nature and the parties have amicably settled their disputes.

The relevant observations made by the Hon'ble Supreme Court are as under:

> "**41**. In Shiji vs. Radhika [(2011) 10 SCC 705] this Court considered the exercise of inherent power by the High Court under Section 482 in a matter where the offence was not compoundable as the accused was already involved in commission of the offences punishable under Sections 354 and 394 IPC. The High Court rejected the prayer by holding that the offences with which appellants were charged are not 'personal in nature' to justify quashing the criminal proceedings on the basis of a compromise arrived at between the complainant and the appellants. This Court considered earlier decisions of this Court, the provisions contained in Sections 320 and 394 of the Code and in paragraphs 17, 18 and 19 (pgs. 712 and 713) of the Report held as under:
>
> "17. It is manifest that simply because an offence is not compoundable under Section 320 CrPC is by itself no reason for the High Court to refuse exercise of its power under Section 482 CrPC. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial court or in appeal on the one hand and the exercise of power by the High Court to quash the prosecution under Section 482 CrPC on the other. While a court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between the parties in cases where the offences are not compoundable under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court under Section 482 CrPC are not for that purpose controlled by Section 320 CrPC.

18. Having said so, we must hasten to add that the plenitude of the power under Section 482 CrPC by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power under Section 482 may be justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High Court may be justified in declining interference if it is called upon to appreciate evidence for it cannot assume the role of an appellate court while dealing with a petition under Section 482 of the Criminal Procedure Code. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.

19. Coming to the case at hand, we are of the view that the incident in question had its genesis in a dispute relating to the access to the two plots which are adjacent to each other. It was not a case of broad daylight robbery for gain. It was a case which has its origin in the civil dispute between the parties, which dispute has, it appears, been resolved by them. That being so, continuance of the prosecution where the complainant is not ready to support the allegations which are now described by her as arising out of some “misunderstanding and misconception” will be a futile exercise that will serve no purpose. It is noteworthy that the two alleged eyewitnesses, who are closely related to the complainant, are also no longer supportive of the prosecution version. The continuance of the proceedings is thus nothing but an empty formality. Section 482 CrPC could, in such circumstances, be justifiably invoked by the High

> Court to prevent abuse of the process of law and thereby preventing a wasteful exercise by the courts below. ”

12. In the case of **Manohar Singh v. State of Madhya Pradesh and Another**, reported in **(2014) 13 SCC 75**, Hon’ble Supreme Court has held as under:

> “**6.** Section 498-A of the IPC is non-compoundable. Section 4 of the Dowry Act is also non-compoundable. It is not necessary to state that non-compoundable offences cannot be compounded by a Court. While considering the request for compounding of offences the Court has to strictly follow the mandate of Section 320 of the Code. It is, therefore, not possible to permit compounding of offences under Section 498-A of the IPC and Section 4 of the Dowry Act. However, if there is a genuine compromise between husband and wife, criminal complaints arising out of matrimonial discord can be quashed, even if the offences alleged therein are non-compoundable, because such offences are personal in nature and do not have repercussions on the society unlike heinous offences like murder, rape etc. (See Gian Singh v. State of Punjab [(2012) 10 SCC 303]) . If the High Court forms an opinion that it is necessary to quash the proceedings to prevent abuse of the process of any court or to secure ends of justice, the High Court can do so. The inherent power of the High Court under Section 482 of the Code is not inhibited by Section 320 of the Code. Needless to say that this Court can also follow such a course. ”

13. In the light of the aforesaid principles laid down by the Hon'ble Supreme Court, if the facts of the present case are examined, it is apparent that the criminal proceedings have arisen out of matrimonial discord between petitioner No.1 and respondent No.2. The marriage between them has already been dissolved by a decree of divorce

dated 19.06.2025, and respondent No.2 has remarried. The parties have settled their disputes and are no longer interested in pursuing the criminal proceedings against each other. Their statements recorded before the Additional Registrar (Judicial) on 14.10.2026 further establish that the settlement is genuine, voluntary and without any fear, pressure or inducement. Respondent No.2 has specifically stated that she does not wish to proceed against any of the petitioners.

14. It is true that the offence under Section 498-A of the IPC is non-compoundable and the learned trial Court was not empowered to permit its compounding under Section 320 of the Cr.P.C. However, this Court in exercise of jurisdiction under Section 528 of the BNSS can consider the application for compounding of offence in the facts and circumstances of the case, to secure the ends of justice. The allegations in the present case arise out of a matrimonial dispute and, it does not disclose any offence of such a nature as would have a serious impact on society at large. Further, respondent No.2, who is the complainant, the principal aggrieved person, has herself settled the dispute and relationship with complainant became cordial.

15. In such circumstances, continuation of the criminal proceedings against the petitioners, despite the parties having settled their matrimonial disputes and respondent No.2 having categorically expressed her unwillingness to proceed further, would serve no fruitful purpose and would only result in unnecessary continuation of

litigation. Therefore, this Court is of the considered opinion that the present case is a fit case for exercise of inherent jurisdiction to secure the ends of justice.

16. For the foregoing, considering the nature of allegations, the subsequent developments, the voluntary settlement between the parties and the statements recorded before the Additional Registrar (Judicial) High Court, this Court is inclined to allow the petition.

17. Consequently, the impugned order dated 29.07.2026 passed by the learned Judicial Magistrate First Class, Gunderdehi, District Balod, in Criminal Case No.264/2022 is hereby set aside. Further, the criminal proceedings pending against the petitioners in Criminal Case No.264/2022, arising out of Crime No.76/2021 registered at Police Station Ranchirai, District Balod, for the offences punishable under Sections 498-A and 34 of the IPC, are hereby quashed.

18. The petition is accordingly **allowed**.

Sd/-
(**Parth Prateem Sahu**)
Judge

pwn