CGHC010337802025 2026:CGHC:42971-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2612 of 2025

1 - Abhishek Mishra S/o Shri Kanchan Prasad Mishra Aged About 31 Years R/o Hanuman Temple, Mungeli Road, P.S.- Civil Line, District- Bilaspur C.G.

2 - Kanchan Prasad Mishra S/o Late Shri Indrapati Mishra Aged About 68 Years R/o Hanuman Temple, Mungeli Road, P.S.- Civil Line, District- Bilaspur C.G.

3 - Smt. Shail Mishra W/o Shri Kanchan Prasad Mishra Aged About 65 Years R/o Hanuman Temple, Mungeli Road, P.S.- Civil Line, District- Bilaspur C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through P.S.- Mahila Thana, Bilaspur, District Bilaspur C.G.

2 - Ayushi Mishra D/o Rajesh Mishra Aged About 30 Years R/o Yamuna Nagar, Mangla, Civil Lines, District- Bilaspur C.G.

... Respondent(s)

For Petitioner	:	Mr. Shyam Kumar, Advocate
For State	:	Mr. Shubham Bajpai, Panel lawyer
For respondent No. 2	:	Mr. Shrejal Gupta on behalf of Ms. Astha Shukla, Advocates

KISHORE KUMAR DESHMUKH
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Date: 2026.10.07 11:11:23 +0530

DB: Hon'ble Shri Justice Narendra Kumar Vyas &
Hon'ble Shri Justice Sudhir Kumar
Judgment On Board

05.10.2026

***Per* Narendra Kumar Vyas,J.**

1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashment of entire proceeding of Criminal Case No.375/2025 (pending before learned Judicial Magistrate First Class, Bilaspur, District- Bilaspur (C.G.) arising out of Crime No. 05/2025 registered on 06.01.2025 against the petitioners at Police Station- Mahila Thana, Bilaspur (C.G.) for commission of offence punishable under Sections 85, 296, 115(2), 351(3), 118(1), 3(5) of the B.S.S., 2023.

2. The record of the case would show that this Court while granting interim protection on 22.08.2025, referred the matter for mediation. Pursuant to the said order, the parties participated in mediation proceedings before the Mediation Centre of this Court and amicably resolved their dispute. The terms of settlement arrived at between the parties were thereafter incorporated in the order dated 26.09.2025 passed by this Court, which reads as under:-

> "4.xxxxxxxxx
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> 1. यह कि आवेदक कमांक 01, आवेदिका कमांक 02 को एकमुश्त 19,50,000/– उन्नीस लाख पचास हजार रूपए प्रदान करेगा जिसमें से 50,000/– रू. आज दिनांक 11/12/2025 को नगद न्यायालय के सी. सी.डी. में जमा कर रहा है एवं शेष बचत 19,00,000/– रू. को 04 माह के भीतर न्यायालय के सी.सी.डी. में आवेदक कंमांक 01 अदा करेगा एवं आवेदिका कमांक 02, आवेदन कमांक 01 से प्राप्त दो सोने का मंगलसूत्र, कान का तीन इयरिंग एवं एक सोने के अंगूठी को प्रदान करेगा।

3. Thereafter, statement of petitioner No. 1 and respondent No. 2 were also recorded by the Additional Registrar (Judicial) of this Court on 26.09.2026 itself in which, they have, in unequivocal terms, submitted that they are settling their disputes and respondent No.2 has no objection if the criminal proceedings under Criminal Case No. 375/2025 is quashed.

4. Learned counsel for the petitioners would submit that the petitioners and respondent No. 2 have already amicably settled their inter se dispute. It is further submitted that petitioner No. 1 has also filed an application under Section 13-B of the Hindu Marriage Act, seeking dissolution of the marriage by mutual consent, before the learned Second Additional Principal Judge, Family Court, Bilaspur. In view of the amicable settlement arrived at between the parties, therefore, the criminal proceedings against the petitioners may be quashed.

5. Learned counsel for respondent No. 2 would submit that she has no objection if the entire criminal proceeding initiated against the petitioners are quashed.

6. We have heard learned counsel for the parties.

7. Considering the fact that the parties have amicably settled their dispute and are no longer intend to pursue the criminal proceedings, this Court is of the opinion that, in view of the well-settled position of law, this Court can exercise its power under Section 528 of the B.N.S.S., 2023, to quash the entire criminal proceedings initiated against the petitioners. Hon'ble Supreme Court in case of **K. Srinivas Rao Vs. D.A. Deepa**[1], has quashed the proceedings initiated under Section

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[1] (2013) 5 SCC 226

498-A of I.P.C. on the count that the parties have mutually settled their dispute and held as under:-

> " 42. This Court has always adopted a positive approach and encouraged settlement of matrimonial disputes and discouraged their escalation. In this connection, we must refer to the relevant paragraph from *G.V. Rao vs. L.H.V. Prasad & Ors. (2000) 3 SCC 693*, where the complaint appeared to be the result of matrimonial dispute, while refusing to interfere with the High Court's order quashing the complaint, this court made very pertinent observations, which read thus:
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> "12. 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."
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> 44. We, therefore, feel that though offence punishable under Section 498-A of the 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 of the 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 chose 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. We would, however, like to clarify that reduction of burden of cases on the courts will, however, be merely an incidental benefit and not the reason for sending the parties for mediation. We recognize 'mediation' as an effective method of alternative dispute resolution in matrimonial matters and that is the reason why we want the parties to explore the possibility of settlement through mediation in matrimonial disputes."

8. Again, Hon'ble the Supreme Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan & others**[2], has summarized the law for quashment of the FIR, the relevant paragraphs of which 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.
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> 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 impart 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."

9. Accordingly, considering the fact that the parties have amicably settled their dispute and considering the aforesaid position of law as held by the Hon'ble Supreme Court, Criminal Case No. 375/2025 pending before the learned Judicial Magistrate First Class, Bilaspur, District-Bilaspur (C.G.) as well as Crime No. 05/2025 dated 06.01.20255 registered at Police Station – Mahila Thana, District – Bilaspur (C.G.) against the petitioners for commission of offence punishable under

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[2] (2019) 5 SCC 688

Sections 58, 296, 115(2), 351(3), 118(1), 3(5) of the B.N.S., 2023 are hereby quashed.

10. In view of the above, the present petition is allowed to the extent indicated hereinabove.

11. Copy of this order be sent to the concerned Judicial Magistrate First Class and the concerning Thana Incharge for information and compliance.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Deshmukh