

(2023) 08 CHH CK 0034

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition No. 1444 Of 2022

Kumar Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 14-08-2023

Acts Referred:

Indian Penal Code, 1860 — Section 294, 498A, 506

Citation : (2023) 08 CHH CK 0034

Hon'ble Judges : Rakesh Mohan Pandey, J

Bench : Single Bench

Advocate : Sangharsh Pandey, Abhyunnati Singh, Sahdev Yadav

Final Decision : Allowed

Judgement

1) By way of this petition, the petitioner has made following prayer:-

"1) That, this Hon'ble Court may kindly be pleased to call for the records of the learned court below.

2) That, this Hon'ble Court may kindly be pleased to quash the criminal proceedings initiated against the petitioners in reference to FIR No.106/2022 dated 31.05.2022 under Sections 294, 498-A & 506 of IPC lodged at PS Mahila Thana, District- Raipur, C.G.

3) That, this Hon'ble Court may kindly be pleased to allow the instant petition and quash the impugned FIR No. 106/2022 (Annexure-P/ 1) registered by Police Station - Mahila Thana, Raipur.

4) That, this Hon'ble Court may kindly direct the respondent authorities to follow the circular dated 16.02.2010 and the guidelines & directions issued by the Hon'ble Supreme Court from time to time and the police may proceed to file the closure report as the impugned FIR lack factual support.

5) That, this Hon'ble Court may kindly be pleased to grant any other relief which it deems fit in the interest of justice, equity and good conscience."

2) The petitioner has preferred this petition for quashment of FIR bearing Crime No. 106/2022 registered at Police Station- Mahila Police Station, Raipur, District Raipur dated 31.5.2022, the Charge-Sheet dated 04.12.2022, and the subsequent criminal proceeding pending before the Chief Judicial Magistrate bearing Criminal Case No.17307/2022 (State of CG v. Kumar Sahu) for the offence punishable under Section 498-A, 294, 506 of the IPC.

3) Learned counsels appearing for the petitioners and respondent No.5 would submit that dispute between the parties has already been settled. They would further submit that pursuant to order dated 04.08.2023, parties appeared before the Registrar (Judicial) and their statements were recorded, where respondent No.5/complainant has stated that she does not wish to pursue criminal case against the petitioners furthermore, and she has no objection, if the petition is allowed for quashing of the criminal proceedings.

4) Learned State counsel would not oppose the above contention.

5) I have heard the joint contentions of learned counsels for the parties and perused the documents.

6) From documents, it appears that pursuant to order dated 04.08.2023, the petitioner No.1 and respondent No.5 appeared before the Registrar (Judicial), where they categorically stated that they have settled the dispute and arrived at a settlement without any coercion, greed, or pressure.

7) The Hon'ble Supreme Court has held in the matter of 'Ramgopal And Another Vs State of Madhya Pradesh, reported in 2021 SCC Online SC 834' and 'Narinder Singh and Others Vs. State of Punjab and Another reported in 2014(6) SCC 466', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

8) In view of aforementioned facts and circumstances of the case as well as the law rendered by the Hon'ble Supreme Court in the matter of Ramgopal (supra) and Narinder Singh (supra), and further considering the fact that both the parties have settled their dispute which is evident from the statements dated 04.08.2023 recorded before the Registrar (Judicial) of this Court, therefore, I feel inclined to allow this petition, accordingly, the FIR dated 31.05.2022 bearing Crime No.106/2022, charge-sheet and Criminal Case No.17307/2022 pending before the Chief Judicial Magistrate, Raipur, District- Raipur (CG), are hereby quashed.

9) Accordingly, the instant petition is allowed.