



2026:CGHC:13919-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 843 of 2026**

1 - Harsh Gangwani S/o Bharat Gangwani, Aged About 35 Years, R/o
502 Suraj Apartment, Jogeshwari East, Mumbai (Maharashtra)

... Petitioner**versus**

1 - The State of Chhattisgarh Through Station House Officer of Mahila
Thana- District- Raipur, Chhattisgarh

2 - XYZ

... Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Prateek Singh Thakur, Advocate.

For Respondent-State: Mr. Sourabh Sahu, Panel Lawyer.

For Respondent No.2 : Mr. Sourabh Sonwani, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****24-03-2026**

1. Heard Mr. Prateek Singh Thakur, learned counsel appearing for the petitioner. Also heard Mr. Sourabh Sahu, learned Panel Lawyer, appearing for the Respondent No.1/State and Mr. Sourabh Sonwani, learned counsel appearing for respondent No.2.

2. The present petition under Section 528 of BNSS, 2023 has been filed by the petitioner with the following prayer:-

- i. This Hon'ble Court may kindly be pleased to quash/set-aside the impugned first information report (F.I.R.) No. 124/2023 registered at Mahila Thana, Raipur District Raipur – (C.G.) dated 20/10/2023 for offences under section 498 A, 377 of the Indian Penal Code and the Final Report No 83/2024, Dated 08/08/2024, in the interest of justice
- ii. This Hon'ble Court may kindly be pleased to quash/set-aside the Order taking Cognizance Dated 09/08/2024 Passed In Criminal Case No -14209/2024 in case of (State Of Chhattisgarh. VS Harsh Gangwani) Passed By The Judicial Magistrate First Class, Raipur District-Raipur,, in the interest of justice (C.G.).
- iii. This Hon'ble Court may Kindly please to quash/ Set aside the entire criminal proceedings of Criminal Case No 14209/2024 (State Of Chhattisgarh Vs Harsh Gangwani) pending before the Court of Judicial Magistrate 1st Class Raipur, in the interest of Justice.”

3. As per the prosecution story, the complainant who is wife of the petitioner has made a written complaint to Police Station Mahila Thana, Raipur (C.G.) against the petitioner and her mother-in-law stating that marriage between the complainant and the petitioner was solemnized on 28-12-2021. In her complaint she alleged that after the marriage they

were residing at Mumbai where she came to know that the petitioner is in habit of drinking liquor. He used to quarrel with her on trivial issues and did not provide her necessary items of routine domestic use and asked her to get the same from her parents and she was also pressurized to make demand for share in her parents property. In her complaint there are also allegations of compelling her for unnatural intercourse, abortion of pregnancy and assault upon her by the petitioner. Further allegation of threatening of making their private video viral and giving divorce questioning her fidelity has been made by the complainant. It has also been alleged in the complaint that the petitioner also raised dispute for expenditure of delivery of their son Vaidik on 06-12-2022. As per the complainant, there was regular mental and physical torture and harassment given by the petitioner and she was not permitted to cook food in the home, but they ordered food from outside for themselves only. She was sent to her parents house at Raipur on 21-02-2023 on the pretext of health purposes, but after some days the belongings of her and their son was sent to the address of brother of the complainant. On being requested to take her to Mumbai, the petitioner did not come to take her back and the petitioner is defaming her putting false allegations on her character. On the basis of the said complaint, an FIR was registered under Section 498-A, 34 of the IPC on 20-10-2023 at Police Station Mahila Thana, Raipur bearing Crime No. 0124/2023. During the investigation complainant made written request that she does not want any action against her mother-in-law on account of her old age and illness. After completion of the investigation, the

police filed Final Report No. 83/2024 on 08-08-2024 against the petitioner for the offence under Section 498-A and 377 of the IPC before the Judicial Magistrate First Class, Raipur upon which the learned trial Court took cognizance on 09-08-2024 and Criminal Case No.14209/2024 is pending before the learned trial Court.

4. Learned counsel for the petitioners submits that the petitioner and the complainant have amicably settled their disputes and filed application under Section 13 B of the Hindu Marriage Act for divorce by mutual consent before the learned Family Court Raipur and vide order dated 08-08-2024 the learned Family Court, Raipur has allowed the application and decree of divorce has been drawn. Copy of the order dated 08-08-2024 has been annexed in the present petition as Annexure-A/2. He would further submit that the present FIR arises out of a purely private matrimonial dispute between the parties, which has now been amicably resolved through a settlement recorded in the Affidavit dated 03-03-2026, wherein Respondent No. 2 has agreed to mutual consent divorce, full and final financial settlement, and withdrawal of all allegations, and has further stated that she has no objection to the quashing of the FIR against the petitioner. Also, at the time of hearing of anticipatory bail application before this Court, the complainant through her counsel expressed her no objection in grant of anticipatory bail to the petitioner. In such circumstances, continuation of the criminal proceedings would be wholly futile, as the complainant herself is no longer willing to support the case, and no likelihood of conviction remains. It is submitted that the continuation of proceedings

would result in unnecessary harassment and would amount to an abuse of the process of law. It is a settled position that in cases arising out of matrimonial disputes, which are personal in nature and do not affect public peace or societal interest, the High Court may exercise its inherent powers to quash proceedings in order to secure the ends of justice, as has been laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**, (2012) 10 SCC 303, **Narinder Singh v. State of Punjab**, (2014) 6 SCC 466, and **Madan Mohan Abbot v. State of Punjab**, (2008) 4 SCC 582. Therefore, in view of the amicable settlement and the law laid down, the impugned FIR and all consequential proceedings are liable to be quashed to prevent abuse of process and to secure the ends of justice.

5. Learned counsel for the State does not dispute the submission made by the learned counsel for the petitioner that the petition/application filed under Section 13B of the Hindu Marriage Act for divorce by mutual consent before the learned Family Court Raipur has been allowed vide order dated 08-08-2024 and decree of divorce has been drawn.

6. Learned counsel for respondent No.2/complainant supported the submissions made by the learned counsel for the petitioner and submits that the matter has been compromised between the parties. He would further submit that respondent No.2/complainant has executed the affidavit dated 03-03-2026 submitting that all the disputes between the parties have amicably settled with mutual consent.

7. We have heard learned counsel for the parties and perused the documents annexed with the petition.

8. The Supreme Court in **Gian Singh v. State of Punjab & Another**, (2012) 10 SCC 303 has laid down the following principles in para No.61 and 62 that :

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such

offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

62. In view of the above, it cannot be said that *B.S. Joshi*, [*B.S. Joshi v. State of Haryana*, (2003) 4 SCC 675], *Nikhil Merchant* [*Nikhil Merchant v. CBI*, (2008) 9 SCC 677] and *Manoj Sharma* [*Manoj Sharma v. State*, (2008) 16 SCC 1] were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the Bench(es) concerned.”

9. In the present matter, the parties to the dispute having entered into a settlement and compromised the matter, there is a minimal chance of the complainant coming forward in support of the prosecution case and the chances of conviction therefore appear to be very remote and it would not be justified to drag these proceedings unnecessarily knowing fully well the final outcome.

10. It is not in dispute that the petitioner and respondent No. 2 were involved in a matrimonial dispute, which has now been amicably settled between them. The record further reflects that the parties have already obtained a decree of divorce by mutual consent vide order dated 08-08-2024 passed by the learned Family Court, Raipur, and respondent No. 2 has also executed an affidavit dated 03-03-2026 affirming the settlement and expressing her no objection to the quashing of the impugned FIR. The learned counsel for the State has also not disputed the factum of settlement and dissolution of marriage. Considering that the dispute is purely personal in nature and does not affect public peace or societal interest, and in light of the principles laid down by the Hon'ble Supreme Court with regard to quashing of criminal proceedings arising out of matrimonial disputes on the basis of compromise, further considering that the possibility of conviction is very remote and bleak, this Court is of the view that continuation of the proceedings would be an exercise in futility and would amount to abuse of the process of law.

11. For the foregoing reasons, the present petition is **allowed** and criminal proceedings pending before the Judicial Magistrate First Class, Raipur, District Raipur (C.G.) in Criminal Case No.14209/2024 against

the petitioner is hereby quashed subject to fulfillment of the terms of the compromise/settlement entered into between the parties.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice