



2026:CGHC:17038-DB

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### CRMP No. 1037 of 2026

- 1** - Irshad Ahmad S/o Hadish Ahmad, Presently Aged About 37 Years R/o LIG -165, Dhansuli, Raipur, Tehsil And District- Raipur (C.G.)
- 2** - Hadish Ahmad S/o Late Md. Gazi Aged About 66 Years R/o MIG 01/2575, Housing Board Kurud, P.S. Jamul District- Durg (C.G.)
- 3** - Anjum Aara W/o Hadish Ahmad Aged About 60 Years R/o MIG 01/2575, Housing Board Kurud, P.S. Jamul District- Durg (C.G.)
- 4** - Asfaq Ahmad S/o Late Md. Gazi Aged About 30 Years R/o MIG 01/2575, Housing Board Kurud, P.S. Jamul District- Durg (C.G.)

**... Petitioners**

**versus**

- 1** - State of Chhattisgarh Through P.S. Mahila Thana, Durg, Durg (C.G.)
- 2** - Smt. Sofiya Fatima W/o Irshad Ahmad, Aged About 37 Years R/o - 193, Mosque, Near Kela Badi, Durg, District- Durg (C.G.)

**... Respondents**

(Cause-title taken from Case Information System)

|                      |   |                                            |
|----------------------|---|--------------------------------------------|
| For Petitioners      | : | Mr. Achyut Tiwari, Advocate                |
| For Respondent-State | : | Mr. Nitansh Jaiswal, Deputy Govt. Advocate |

**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

### Order on Board

**Per Ramesh Sinha, Chief Justice**

**15.04.2026**

- 1.** Heard Mr. Achyut Tiwari, learned counsel for the Petitioners as well as Mr. Nitansh Jaiswal, learned Deputy Government Advocate, appearing for the State/Respondent No.1.



2. By filing the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), the Petitioners have prayed for following relief(s) :-

*“It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to allow this petition and kindly set aside/quash the F.I.R./crime no. 05/2015 registered on dated 07.06.2015 at police station Mahila Thana, Durg, Durg (C.G.), the charge sheet filed against the petitioners under section 498A, 34 of I.P.C. and Sec. 4 of Dowry Prohibition Act, 1961 (Annexure-P/1), judgment of conviction dated 30.12.2023 passed by the learned JMFC, Durg in criminal case No. 6121 of 2015 (Annexure-P/2), order dated 15.01.2026 passed by the learned Appellate Court (part of Annexure-P/6) and the proceedings of appeal bearing CRA No. 24 of 2024 pending before the Court of Additional Session Judge, District Durg (C.G.) against the petitioners, in the interest of justice.”*

3. Learned counsel for the Petitioners submits that the present case emanates purely from a matrimonial discord between Petitioner No.1 and Respondent No.2, which, with the passage of time and intervention of elders and mediators, has now been amicably and voluntarily resolved between the parties. It is contended that the dispute does not involve any element of public interest or grave societal impact, but is essentially personal in nature, arising out of strained marital relations. Drawing attention to the mediation



report dated 07.01.2026, it is urged that the parties have consciously decided to bury their differences and move on in life, and therefore, continuance of the criminal proceedings would serve no fruitful purpose and would rather amount to an abuse of the process of law.

4. Learned counsel further submits that the settlement arrived at between the parties is bona fide, voluntary, and without any coercion or undue influence. The same is evident not only from the mediation report but also from the statements recorded before the learned Appellate Court, wherein both parties unequivocally expressed their willingness to resolve all disputes and put an end to the litigation. It is emphasized that pursuant to the said settlement, the petitioners have already taken substantial steps by preparing demand drafts aggregating to Rs.25,00,000/- in favour of Respondent No.2 towards full and final settlement, thereby demonstrating their bona fides and commitment to honour the terms of compromise.
5. It is further argued that although the offences under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act are technically non-compoundable, it is now well settled that this Hon'ble Court, in exercise of its inherent powers, can quash criminal proceedings even in such cases where the dispute is essentially private and the parties have settled the matter amicably.



6. Reliance is placed on the judgment of the Hon'ble Supreme Court in ***B.S. Joshi v. State of Haryana [(2003) 4 SCC 675]***, wherein it has been categorically held that in matrimonial disputes, the High Court may quash criminal proceedings to secure the ends of justice when the parties have resolved their differences. It is thus submitted that the ratio laid down therein squarely applies to the facts of the present case.
7. Learned counsel also contends that the learned Appellate Court has committed a manifest error of law in rejecting the application under Section 359 of BNSS in a mechanical and arbitrary manner, without properly appreciating the settlement arrived at between the parties and the surrounding circumstances. It is submitted that the impugned order reflects complete non-application of mind, as the learned Appellate Court failed to consider that the very substratum of the prosecution case has ceased to exist in view of the compromise, and therefore, insistence on continuation of criminal proceedings would result in sheer injustice to the parties.
8. It is further submitted that in light of the amicable settlement and the stand taken by Respondent No.2, who is no longer interested in prosecuting the matter, the possibility of conviction of the petitioners has become extremely remote and bleak. Continuing the criminal proceedings in such a situation would not only be an exercise in futility but would also unnecessarily burden the judicial system. The petitioners, having already suffered the ordeal of trial



and conviction, and now having resolved the dispute, deserve to be relieved from further litigation in the interest of justice.

9. Lastly, learned counsel submits that the present case is a fit one where this Court ought to exercise its inherent jurisdiction to secure the ends of justice and prevent abuse of process. It is urged that the settlement between the parties has brought finality to their disputes, and any further continuation of the proceedings would defeat the very purpose of such settlement. Therefore, it is prayed that the FIR, consequential proceedings, as well as the impugned judgment of conviction and order passed by the learned Appellate Court be quashed, in the interest of justice and to give full effect to the amicable resolution arrived at between the parties.
10. On the other hand, learned State counsel opposes the petition and submits that the petitioners have already been duly tried and convicted by the learned Trial Court for offences under Sections 498A and 34 IPC and Section 4 of the Dowry Prohibition Act, and the said conviction is presently under challenge before the Appellate Court. It is contended that the offences in question are non-compoundable in nature and involve serious allegations relating to cruelty and dowry demand, which have a broader societal impact and cannot be lightly set aside merely on the basis of a subsequent compromise between the parties. It is further submitted that the learned Appellate Court has rightly rejected the



application under Section 359 of BNSS after due consideration, and no illegality or perversity is made out warranting interference by this Court. Hence, the present petition deserves to be dismissed.

11. I have heard learned counsel for the parties at length and perused the material available on record.
12. Considering the overall facts and circumstances of the case, this Court finds that the dispute between the parties arose out of a matrimonial discord, which was essentially private in nature and did not have any overriding element of public interest. It is not in dispute that the parties, with the intervention of the Mediation Centre, Durg, have amicably resolved their disputes vide mediation report dated 07.01.2026, and have consciously decided to part ways and put a quietus to all pending litigations. The terms of settlement, including payment of Rs.25,00,000/- towards full and final settlement, have already been substantially acted upon, thereby reflecting the bona fides of the petitioners as well as the willingness of Respondent No.2 to bring an end to the lis.
13. This Court also takes note of the fact that although the petitioners stand convicted by the learned Trial Court and the appeal is pending, the substratum of the prosecution case no longer survives in view of the voluntary compromise entered into between the parties. In such circumstances, insistence on continuation of criminal proceedings would not only be an



exercise in futility but would also defeat the very purpose of the settlement arrived at between the parties.

14. The legal position in this regard is no longer res integra. The Hon'ble Supreme Court in ***Gian Singh v. State of Punjab [(2012) 10 SCC 303]*** has authoritatively held that in cases arising out of matrimonial disputes or personal relationships, the High Court, in exercise of its inherent powers, can quash criminal proceedings even in respect of non-compoundable offences, if the parties have settled the matter and the continuation of proceedings would amount to abuse of the process of law. The said principle has been consistently reiterated in ***Narinder Singh v. State of Punjab [(2014) 6 SCC 466]***, ***State of Madhya Pradesh v. Laxmi Narayan [(2019) 5 SCC 688]***, and more recently in ***Ramgopal v. State of Madhya Pradesh [(2021) 6 SCC 735]***, wherein it has been held that even post-conviction, the High Court is empowered to quash criminal proceedings or set aside conviction in appropriate cases where the dispute is overwhelmingly private and the parties have settled the matter.
15. Further, in ***Ramgopal (supra)***, the Hon'ble Supreme Court has categorically observed that criminal proceedings involving non-heinous offences of a private nature can be annulled even after conviction, to promote peace and harmony between the parties, provided that such exercise does not adversely affect the societal interest. The guiding factors, as laid down therein, include the



nature of the offence, the conduct of the parties, the stage of proceedings, and the overarching interest of justice, all of which stand satisfied in the present case.

16. Applying the aforesaid settled principles to the facts of the present case, this Court is of the considered opinion that the offences in question arise out of a matrimonial dispute, the parties have voluntarily settled the matter without any coercion, the settlement has been acted upon, and Respondent No.2 is no longer interested in pursuing the criminal case. Thus, the possibility of conviction has become remote and bleak, and continuation of the proceedings would amount to sheer abuse of the process of law.
17. Accordingly, in order to secure the ends of justice and to give full effect to the amicable settlement arrived at between the parties, the present petition filed under Section 528 of the B.N.S.S. deserves to be and is hereby allowed, subject to the due fulfillment of the terms and conditions of the compromise dated 07.01.2026. Consequently, the FIR in question, the charge-sheet, and all consequential criminal proceedings, including the judgment of conviction dated 30.12.2023 passed by the learned Judicial Magistrate First Class, Durg, as well as the order dated 15.01.2026 passed by the learned Appellate Court, are hereby quashed and set aside.
18. It is, however, made clear that this order shall be subject to verification of compliance of the settlement terms, particularly the



payment of the agreed amount of Rs.25,00,000/- to Respondent

No.2. In the event of any breach of the terms of compromise, it shall be open for the aggrieved party to seek appropriate remedy in accordance with law.

- 19.** The petition is accordingly allowed. No order as to costs.

Sd/-

**(Ravindra Kumar Agrawal)**  
**Judge**

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**

Anu