
(2012) 04 JH CK 0137

In the Jharkhand High Court

Case No : Criminal M.P. No. 963 of 2009

Abhay Agrawal and others

APPELLANT

Vs

State of Jharkhand and another

RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3)
Penal Code, 1860 (IPC) — Section 307, 395, 406, 482, 498A

Citation : (2012) 04 JH CK 0137

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : A.K. Singh, for the Appellant; R.M. Singh for The Opp. Party No. 2, for the Respondent

Final Decision : Allowed

Judgement

R.R. Prasad

1. Heard learned counsel appearing for the petitioners and learned counsel appearing for the opposite party No. 2. This application has been filed for quashing of the entire criminal proceeding of Ramgarh P.S case No. 367 of 2002 (G.R. No. 2387 of 2002) registered under Sections 498A, 395, 307, 406 and 504 of the Indian Penal Code.

2. It does appear that a complaint was filed wherein allegation was levelled by the complainant-opposite party No. 2 that after getting married when she came to her in-laws' place, the husband and other members of the in-laws' family started subjecting her to torture on account of non-fulfillment of the demand of dowry and that the other day, she was assaulted brutally as she had failed to bring dowry from her parents. The said complaint was sent before the concerned police station u/s 156(3) of the Code of Criminal Procedure for registration and investigation of a case and accordingly, the case was registered.

3. Learned counsel appearing for the petitioners submits that while the matte

was pending investigation, good sense prevailed upon the parties and thereby all the disputes which were there in between the complainant and the members of the in-laws" family got settled and that now the complainant is residing with her husband at his place since last three years and therefore, a joint compromise petition has been filed before this Court which be accepted and the instant prosecution be quashed, keeping in view the ratio laid down in a case of B.S. Joshi and Others Vs. State of Haryana and Another, and Shiji @ Pappu and others vs. Radhika and another (2012) 1 East Cr.C 121 (SC)

4. Learned counsel appearing for the complainant also admitted that the matter has been compromised and that the complainant is residing happily with her husband.

Having heard learned counsel appearing for the parties and on perusal of the record, it does appear that the petitioner and opposite party No. 2 on arriving at some settlement did file a joint compromise petition in this case which has been registered under Sections 498A, 395, 307, 406 and 504 of the Indian Penal Code most of which offences are non-compoundable but keeping in view the ratio laid down in a case of Madhavrao Jiwajirao Scindia and Others Vs. Sambhajirao Chandrojirao Angre and Others, as well as in a case of B.S.Joshi and others vs. State of Haryana and another (supra), it would be futile to allow the petitioner to undergo rigor of the trial when there is no possibility of the petitioner being convicted for the reason that the matter has been compromised. The Hon''ble Supreme Court in a case of Madhavrao Jiwajirao Scindia vs. Sambhajirao Chandrajirao Angre(supra) has been pleased to hold that while exercising inherent power of quashing u/s 482, it is for the High Court to take into consideration any special features which appears in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue where, in my opinion of the court, chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue. The court may, while taking into consideration the special facts of a case, also quash the proceeding.

5. Subsequently, the Hon''ble Supreme Court in a case of B.S.Joshi and others vs. State of Haryana and another (supra) after taking notice of the said decision has observed as under:

There is no doubt that the object of introducing Chapter XX-A containing Section 498A of the Indian Penal Code was to prevent 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 hypertechnical view would be counterproductive 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 XX-A of the Indian Penal Code.

In view of the ratio laid down by the Hon''ble Supreme Court, there is no difficulty in accepting the compromise arrived at in between the parties, even though alleged offences are non-compoundable in the circumstance where parties have settled their matrimonial dispute and that offence other than 498A of the Indian Penal Code appears to be incidental to other u/s 498A. Furthermore, there would be hardly any scope for the petitioners being convicted in the case. In that view of the matter, it becomes expedient to quash the entire criminal proceeding.

Accordingly, the entire criminal proceeding of Ramgarh P.S case No. 367 of 2002 is hereby quashed.

In the result, this application is allowed.