

(2010) 11 AHC CK 0387
In the Allahabad High Court
Case No : Application No. 29911 of 2009

Ajay Veer Singh and Others	Vs	APPELLANT
State of U.P. and Another		RESPONDENT

Date of Decision : 19-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Hindu Marriage Act, 1955 — Section 13
Penal Code, 1860 (IPC) — Section 323, 498(A), 504, 506

Citation : (2010) 11 AHC CK 0387

Hon'ble Judges : S.C. Agarwal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.C. Agarwal, J.—This is an application u/s 482 Code of Criminal Procedure has been filed with a prayer to quash charge-sheet in Criminal Case No. 16470 of 2009, State v. Ajay Veer Singh and Ors. Criminal Case No. 16470 of 2009, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act arising out of case crime No. 849 of 2009, P.S. Kavi Nagar, District Ghaziabad.

2. Heard learned Counsel for the applicants and learned AGA for the State.

3. The applicant No. 1 Ajay Veer Singh is the husband of opposite party No. 2. The applicants No. 2 to 6 are mother, father, brother, sister and brother in-law of applicant No. 1. The opposite party No. 2 lodged FIR against the applicants alleging harassment on account of demand of dowry whereupon, investigation ensued and after investigation, the police submitted impugned charge-sheet against the applicants.

4. Since it was a matrimonial dispute, vide order dated 15.12.2009 passed by Ho"ble Sheo Kumar Singh, J, the matter was referred to Mediation and Reconciliation Centre of this Court. In proceedings before the mediation centre, parties came to terms and settlement-agreement was executed on 18.4.2010,

which is on record.

5. Learned Counsel for the applicants submitted that in pursuance of settlement-agreement, bank drafts for a sum of Rs. 9 lacs have been deposited in the Court of C.J.M., Ghaziabad through 11 bank drafts. A certified copy of the office report from the office of C.J.M. , Ghaziabad is annexure No. 1 to the supplementary affidavit dated 30.9.2010. Opposite party filed a petition u/s 13 of the Hindu Marriage Act before Civil Judge (Senior Division), Ghaziabad, which was allowed in accordance with the settlement-agreement executed before mediation centre of this Court and the marriage of applicant No. 1 and opposite party No. 2 was dissolved by a decree of divorce. A certified copy of the judgment in divorce petition No. 873 of 2010, Smt. Sophiya v. Ajay Veer Singh divorce petition No. 873 of 2010 passed by the Civil Judge (Senior Division), Ghaziabad on 19.7.2010 is annexure No. 2 to the aforesaid supplementary affidavit. These documents show that settlement-agreement executed before Mediation and Reconciliation Centre of this Court has been acted upon by the parties.

6. It was agreed between the parties through settlement-agreement that a sum of Rs. 9 lacs would be paid to opposite party No. 2 and they agreed to divorce by mutual consent. Clause-g of para 6 of the settlement-agreement is as follows:

That let this settlement be placed before this Hon'ble Court who would pass appropriate order with regard to pending criminal proceedings before C.J.M., Ghaziabad bearing CrI. Case No. 1647 of 2009, u/s 498A, 323, 504, 506 IPC and 3/4 D.P. Act, P.S. Kavi Nagar, Ghaziabad keeping in view that the parties have entered into a compromise and Ms. Sophia is now no more interested in pursuing the criminal proceedings against her husband Ajay Veer Singh only after she receives Rs. Nine lacs and decree of divorce is passed between them.

7. Offence u/s 498A IPC and Section 3/4 D.P. Act are not compoundable. However, the Apex Court in case of Madan Mohan Abbot v. State of Punjab (2008) 2 SCC 464 observed as under:

We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a pure personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

8. Considering the fact that the subject matter of the FIR, subsequent investigation, filing of the charge sheet submitted by the police are in relation to a matrimonial dispute between the applicants and opposite party No. 2 and the dispute now stands voluntarily, mutually and amicably settled between the parties vide Joint Settlement Affidavit dated 18.4.2010. I see no purpose in continuing the criminal proceedings arising out of FIR in question. Moreover the

parties have also obtained a decree of divorce and all the disputes between them have come to an end by mutual consent. The dispute between the parties is of a purely personal nature. After compromise between the parties, keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury for the Court.

9. I, therefore, allow the application. The impugned charge-sheet and entire proceedings in criminal case No. 16470 of 2009, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act , State v. Ajay Vir Singh and Ors., P.S. Kavi Nagar, pending in the Court of C.J.M. Ghaziabad are quashed and the matter stands finally resolved in terms of compromise.