
(2015) 03 MP CK 0085
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 8428/2013

Ashish Kumar and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 11-03-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 34, 482, 498-A

Citation : (2015) 03 MP CK 0085

Hon'ble Judges : C.V. Sirpurkar, J.

Bench : Single Bench

Advocate : S.S. Rajput, for the Appellant; A.S. Yadav, Panel Lawyer, Advocates for the Respondent

Final Decision : Allowed

Judgement

C.V. Sirpurkar, J.—This M.Cr.C. has been instituted on a petition under section 482 of the Code of Criminal Procedure for quashing the First Information Report registered in Crime No. 239/2013 against the applicants Ashish Kumar and Santosh Bai by P.S. Mungawali, district Ashoknagar under sections 498-A read with section 34 of the I.P.C. It is submitted that subsequent to filing of this M.Cr.C., a charge sheet under section 498-A read with section 34 of the I.P.C. was filed in the Court of JMFC, Mungawali and was registered as Criminal Case No. 724/2013. The case is pending in that Court.

2. As per the prosecution case, applicant Smt. Santo @ Santosh Bai is mother of applicant Ashish. Applicant Ashish married complainant Rubi on 26.1.2011 as per Hindu Rites. At the time of engagement ceremony and the marriage, the parents of the complainant Rubi had given cash, clothes and other household items to applicants by way of dowry. Her parents had spent approximately Rs.10,00,000/- in the marriage. Even after that the applicants were not satisfied and kept demanding Rs. 5,00,000/- for buying a four-wheeler. Since, the parents of the complainant were not in a position to fulfill the demand, the complainant started

living with her parents. Even after that, the applicants kept harassing the complainant in connection with their demand for dowry. Consequently, after about 1 1/2 years of living in her maternal home, the complainant filed a written report in P.S. Mungawali.

3. During the pendency of this petition, I.A. Nos. 1124/15 and 1125/2015 for permission to compound the offence were filed on behalf of the parties on 2.2.2015. Consequently, by order dated 23.2.2015, this Court directed the Principal Registrar of the bench at Gwalior to ascertain the intention of the parties to enter into compromise. Pursuant to the aforesaid direction, the parties namely Savitri @ Rubi, Smt. Santo @ Santosh Bai and Ashish Kumar appeared before the Principal Registrar on 4.3.2015. After recording their statements, the Principal Registrar was satisfied as to the identity of the parties and the fact that they had entered into a compromise voluntarily and without any coercion, inducement or threat.

4. Learned counsel for the parties have also verified the compromise.

5. In aforesaid view of the matter, it has been prayed that in view of the compromise, proceedings arising from First Information Report registered in Crime No. 239/2013, be quashed.

6. The offence under section 498-A is not compoundable; however, the Supreme Court has held in the case of B.S. Joshi and Others Vs. State of Haryana and Another, as also in the case of Jitendra Raghuwanshi and others vs. Babita Raghuwanshi and another, 2013(3) CCSC 1254 (SC), Geeta Mehrotra and Another Vs. State of U.P. and Another, and Gian Singh Vs. State of Punjab and Another, that where parties have entered into an amicable settlement of matrimonial disputes, notwithstanding the fact that the offences are not compoundable under section 320 of the Cr.P.C., the High Court should in the exercise of its powers under section 482 of the Code of Criminal Procedure quashed the proceedings as it does not have any adverse impact upon the society at large. Rather it promotes social harmony.

7. A perusal of report dated 4.3.2015 submitted by the Principal Registrar, this Court is satisfied that applicants and complainant Savitri @ Rubi have entered into a compromise voluntarily without any coercion, inducement or threat. As such, there is no reason as to why the proceedings should not be quashed in order to promote harmony in the society.

8. Consequently, this petition under section 482 of the IPC is allowed. The first information report in Crime No. 239/2013 registered in P.S. Mungawali district Ashoknagar under section 498-A read with section 34 of the I.P.C. against the applicants Ashish Kumar and Santo @ Santosh Bai is quashed. The proceedings before JMFC, Mungawali district Ashoknagar in Criminal Case No. 724/2013 having arisen from aforesaid Crime No. 239/2013 are also quashed.