
(2004) 07 AHC CK 0110
In the Allahabad High Court

Case No : Criminal Miscellaneous Application Nos. 649 and 590 of 2003

Atul Tyagi and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 22-07-2004

Acts Referred:

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

Citation : (2004) 07 AHC CK 0110

Hon'ble Judges : C.P.Mishra, J

Final Decision : Allowed

Judgement

C.P. Mishra, J.—Heard Shri Abhay Raj Singh, learned Counsel for the applicants, Shri Gaurav Kakkar, learned Counsel for the opposite party and learned A.G.A.

2. It is submitted that on 2811999 the marriage of applicant No. 3 had taken place with applicant No. 1 as per Hindu rites and rituals and later on some dispute of petty nature arose between them and on account of this a case being Crime No. 619 of 2002 under Sections 498A, 323, 324, 504, 506 and 406 IPC and Section 3/4 of D.P. Act P.S. Chandausi, District Moradabad has been lodged by applicant No. 2 against the applicant No. 3 and his other family members and thereafter, on account of passage of time besides on account of intervention of certain respectable persons of society and certain common relatives of the parties concerned, the relation between the above noted applicants Nos. 1 and 3 have become absolutely cordial and healthy and there is no grudge or grievance between them and in furtherance thereto the applicant Nos. 1 and 2 have compounded the case in question with the applicant No. 3 outside the Court and now applicant Nos. 1 and 2 are not interested to pursue, prosecute or punish the applicant No. 3 as there is no grudge or grievance between them. It is also submitted that all the cases including the matrimonial litigation which were pending before the Court below and family Court have already been disposed of in accordance with compromise as executed between the parties and at present no case of any nature whatsoever is pending between the parties before any

other Court of law except the present case in question. In support of it learned Counsel for the applicants has placed reliance of the case B.S. Joshi and others v. State of Haryana and another, reported in 2003 (46) ACC 799 (SC), that matrimonial disputes leading to filing of complaints (F.I.R's.) under Sections 498A and 406 etc. IPC and subsequent settlement of disputes, quashing of criminal proceedings are inherent powers of High Court under Section 482 Cr. P.C. read with Articles 226 and 227 of the Constitution of India. The end of justice are higher than mere technicalities of law where very basis or foundation of prosecution case is eroded by parties coming to settlement in matrimonial disputes, mere technicality that offence involved is a noncompoundable one, should not be allowed to stand in the way of quashing of proceedings by High Courts in exercise of inherent powers under Section 482 Cr. P.C. read with Articles 226 and 227 of Constitution of India. It is further held that High Court in exercise of inherent power under Section 482 Cr. P.C. can quash criminal proceedings and Section 320 Cr. P.C. does not limit such powers.

3. Considering the aforesaid facts and submissions and law laid down by the Hon"ble Supreme Court in the aforesaid case since the parties have come in terms of settlement of their matrimonial disputes going on between them in this case, the criminal proceedings in pursuance of First Information Report lodged under Sections 498A, 324, 323, 504, 506, 406 IPC and Section 3/4 of D.P. Act deserves to be quashed and his application such deserves to be allowed.

4. Accordingly the application is allowed and criminal proceedings in Criminal Case No. 5507/9/2002, State v. Atul Tyagi and others, pending before learned A.C.J.M. Chandausi District Moradabad are quashed. The applicants are permitted to compound the offence in question accordingly and the applicants are acquitted. The sureties are discharged and bail bonds are cancelled.

Application allowed.