

(2018) 11 RAJ CK 0091

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6295 Of 2018

Babu Lal S/O Shri Kaluram

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 29-11-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Hindu Marriage Act, 1955 — Section 13B

Indian Penal Code, 1860 — Section 406, 498A

Citation : (2018) 11 RAJ CK 0091

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : Anoop Pareek , Prakash Thakuriya, Amba Lal Prajapat

Judgement

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.138/2017 registered at Police Station Mahila Thana, Jaipur (West) for the offences under Sections 498A and 406 IPC.

In the present case, quashing of FIR has been sought on the basis of compromise.

Smt. Guddi Devi @ Pushpa Devi, respondent no.2 is present in the court. She has been identified by her counsel Mr. Amba Lal Prajapat. Mr. Babu Lal petitioner is also present in the court and he has been identified by his counsel Mr. Anoop Pareek.

Smt. Guddi Devi @ Pushpa Devi, respondent no.2 has stated that on 19.5.2013 she was married with petitioner as per Hindu customs and rites. It is submitted that due to difference of opinion, she was compelled to lodge the impugned FIR.

Learned counsel for the respondent no.2 has submitted that due to intervention of respectables, elders of the family and common relations, the matrimonial dispute has been amicably resolved.

Smt. Guddi Devi @ Pushpa Devi, respondent no.2 has stated that the petitioner has agreed to pay Rs.3,71,000/ towards Stridhan, expenses on marriage, permanent alimony and cost of litigation etc.

Learned counsel for the parties have drawn attention of this Court to the compromise Annexure-2 annexed with the present petition.

Petitioner and respondent no.2 have jointly submitted that they shall remain bound by compromise Annexure-2 affected between the parties.

Smt. Guddi Devi @ Pushpa Devi, respondent no.2 has submitted that she has received total agreed amount of Rs. 3,71,000/-. She further stated that divorce petition under Section 13B of Hindu Marriage Act for dissolution of marriage by way of mutual consent is pending in the Family Court No.2, Jaipur and the same is coming for final motion on 5.12.2018.

Smt. Guddi Devi @ Pushpa Devi, complainant/respondent no.2 has prayed that the impugned FIR be quashed as she no longer intends to pursue the same.

The learned counsel for the parties have jointly relied upon B.S. Joshi & Ors. vs. State of Haryana & Anr., 2003 Cri.L.J. 2028, to contend that this Court while exercising jurisdiction under Section 482 Cr.P.C. in furtherance of interest of justice in matrimonial dispute may bring families at peace by quashing FIR.

On the prayer made by the learned counsel for the parties, in view of the judgment in the case of B.S. Joshi (supra), relied by the parties, the present petition is accepted and impugned FIR along with all its subsequent proceedings is quashed.