
(2019) 05 UK CK 0193

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 491 Of 2018

Beena Raturi

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 17-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 320, 506

Citation : (2019) 05 UK CK 0193

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Manish Lohani, Preeta Bhatt, Pawan Mishra

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code") has been filed by the petitioners to quash the summoning/cognizance order dated 20.01.2018 passed by the court of learned Judicial Magistrate 1st Class/3rd Additional Civil Judge (Jr. Div.) Dehradun, in Complaint Case No. 4979 of 2017, Virendra Prasad Raturi Vs. Smt. Beena Raturi and another under Section 506 I.P.C. on the basis of amicable settlement between the parties

2. A compounding application has also been filed by the petitioner and respondent no.2, who are husband and wife. The compounding application is supported by the affidavits of the petitioner Smt. Beena Raturi as well as the respondent no.2 Virendra Prasad Raturi. Petitioner is present in person before this Court duly identified by her counsel Mr. Manish Lohani. Respondent no.2 is also present in person before this Court duly identified by her counsel Mr. Pawan Mishra.

3. Learned counsel for the petitioner and respondent no.2 both would argue that

since it is a dispute relating to marriage and parties have settled their dispute amicably, the continuance of criminal proceedings would yield no result and they need to be quashed.

4. Heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioner and respondent no.2 both would argue that since it is a dispute relating to marriage and parties have settled their dispute amicably, the continuance of criminal proceedings would yield no result and they need to be quashed. In the case of *Gian Singh Vs. State of Punjab and Another*, (2012) 10 SCC 303, the Hon'ble Supreme Court, *inter alia*, held as under:

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court....."

6. In the case of *Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Vs. State of Gujrat and Another*, (2017) 9 SCC 641, principles have been laid down by the Hon'ble Supreme Court in the matter of quashing criminal proceedings on the ground of settlement between the parties.

7. As stated, the dispute relates to marriage and parties have amicably settled their dispute. In fact, if the trial proceeds now, the possibility of conviction is remote and bleak. It would not secure the ends of justice. In fact, interest of justice demands that the criminal case is put to an end. Therefore, this Court is of the view that since parties have amicably settled their dispute, the criminal proceedings deserve to be quashed and the petition deserves to be allowed.

8. Accordingly, the instant petition is allowed. The entire proceedings of Complaint Case No. 4979 of 2017, *Virendra Prasad Raturi Vs. Smt. Beena Raturi and another* under Section 506 I.P.C. pending in the court of learned Judicial Magistrate 1st Class/3rd Additional Civil Judge (Jr. Div.) Dehradun are hereby quashed.

9. Compounding Application being CRMA No.1213 of 2019 stands disposed of accordingly.