
(2013) 11 RAJ CK 0086

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 4221 of 2013

Dinesh Jangid

APPELLANT

Vs

State of Raj. and Another

RESPONDENT

Date of Decision : 14-11-2013

Acts Referred:

Citation : (2013) 11 RAJ CK 0086

Hon'ble Judges : Nisha Gupta, J

Bench : Single Bench

Advocate : Pawan Sharma, for the Appellant; Laxman Meena, Public Prosecutor and Mr. Jitendra Singh, for the Respondent

Final Decision : Allowed

Judgement

Nisha Gupta, J.—Application No. 11835 dated 14.11.2013 is allowed for the reasons mentioned therein and in the cause title, FIR No. 154/2012 be read in place of FIR No. 54/2012 This Petition has been filed u/s 482 Cr.P.C. against the order dated 7.9.2013 passed by the Civil Judge (JD) Metropolitan Magistrate No. 13, Jaipur Metropolitan in Criminal Case No. 3518/2012.

2. Heard learned counsel for the parties.

3. The petitioner is facing trial before the learned Civil Judge(J.D.) and Metropolitan Magistrate No. 13, Jaipur Metropolitan (hereinafter referred to as "the Trial Court") for offences under Sections 498A and 406 IPC in Criminal Case No. 3518/2012.

4. An application seeking permission from the Court for compounding the offences against the petitioners was filed along with the compromise. Learned Trial Court vide impugned order dated 7/9/2013 accepted the compromise in respect of offence u/s 406 IPC and granted permission to the parties to compound the said offence, but learned Trial Court declined to attest the compromise for offence u/s 498A IPC because as per Section 320 Cr.P.C., said offence is not compoundable.

5. Learned counsel for the petitioner submitted that in view of decisions rendered by the Hon''ble Supreme Court in the case of B.S. Joshi and Others Vs. State of Haryana and Another, Nikhil Merchant Vs. Central Bureau of Investigation and Another, Manoj Sharma Vs. State and Others, and Gian Singh Vs. State of Punjab and Another, the compromise can be accepted while exercising the powers u/s 482 Cr.P.C.

6. Learned counsel for the petitioner submitted that the parties have entered into a compromise in this matter. The parties are also present in the Court and Court directed the Deputy Registrar(Judicial) to verify the compromise. In compliance of the order of the Court, the Deputy Registrar(Judicial) has verified.

7. The Hon''ble Supreme Court in B.S. Joshi (supra), Nikhil Merchant(supra), Manoj Sharma (supra) and Gian Singh (supra) dealing with the similar controversy with reference to exercise of jurisdiction u/s 482 Cr.P.C. has held that even if offence is not compoundable, but to secure interest of justice, the High Court in exercise of its inherent powers can quash the FIR, criminal proceedings or complaint u/s 482 of the Code of Criminal Procedure.

8. In view of above, criminal proceedings pending in the court of Civil Judge (JD) Metropolitan Magistrate No. 13, Jaipur Metropolitan in Criminal Case No. 3518/2012 are quashed in view of the compromise and petitioner is acquitted of the charge u/s. 498A IPC. The Misc. Petition is allowed as above.