
(2013) 08 MP CK 0233

In the Madhya Pradesh High Court

Case No : Mis. Cr. Case No. 6794 of 2013

Dinesh Singh and Others

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 29-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320(2), 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498A

Citation : (2013) 08 MP CK 0233

Hon'ble Judges : Brij Kishore Dube, J

Bench : Single Bench

Advocate : M.S. Rawat, for the Appellant; Prabal Solanki, Public Prosecutor for Respondent No. 1/State, Shri R.S. Bansal, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Brij Kishore Dube, J.—This petition u/s 482 of the Code of Criminal Procedure, 1973 (for short, the Code) is preferred for quashment of the judgment of conviction and order of sentence dated 26/04/2011 passed by the Judicial Magistrate First Class, Dabra District Gwalior in Criminal Case No. 530/2006 whereby the petitioners herein/accused have been convicted under Sections 498-A of IPC and 4 of the Dowry Prohibition Act and sentenced each of them to suffer two years rigorous imprisonment with fine of Rs. 100/- and six months rigorous imprisonment with fine of Rs. 100/- respectively. The quashment of proceedings has been prayed by the learned counsel for the petitioners on the ground that the petitioners have amicably settled the subject-matter of crime with the complainant/respondent No. 2 Smt. Neelam alias Lata. Short facts of the case are that the marriage of the complainant/respondent No. 2 Smt. Neelam alias Lata was solemnized with petitioner No. 1 Dinesh Singh in the year 2004 as per Hindu rites. Petitioners No. 2 and 3 are Jeth and Jethani of the complainant/respondent No. 2. There was matrimonial discord between the complainant/respondent No. 2 and her husband, i.e., petitioner No. 1. On the basis of written

complaint made by the complainant, an FIR at Crime No. 2/2006 u/s 498-A of IPC was registered at the Police Station, Gijora, District Gwalior against the petitioners herein/accused. After completing the investigation, challan under Sections 498-A of IPC and 3 /4 of the Dowry Prohibition Act has been filed before the Trial Court and on the basis of the material available on record, charge under Sections 498-A of IPC and 3 /4 of the Dowry Prohibition Act was framed against the petitioners herein/accused and the trial was proceeded. Vide judgment dated 26/04/2011 passed in Criminal Case No. 530/2006 by the Trial Court, the petitioners here/accused have been convicted under Sections 498-A of IPC and 3 /4 of the Dowry Prohibition Act and sentenced each of them as mentioned hereinabove.

2. Being aggrieved thereof, a criminal appeal was filed by the petitioners. During pendency of the appeal, the parties have sorted out their differences and filed compromise petition. The Appellate Court vide order dated 25/07/2013 passed in Criminal Appeal No. 410/2011 rejected the compromise petition stating that the offences under Sections 498-A of IPC and 3 /4 of the Dowry Prohibition Act are not compoundable. Hence, this petition u/s 482 of the Code has been preferred by the petitioners herein/accused.

3. Learned counsel for the petitioners submits that respondent No. 2/ complainant and petitioners have amicably settled the subject-matter of crime, therefore, looking to the nature of the offence, the conviction of the petitioners may be quashed.

4. Learned counsel for the respondent No. 2 does not oppose the submission made by the learned counsel for the petitioners.

5. The respondent No. 2, Smt. Neelam alias Lata by presenting herself before this Court expressed her wish that now all the disputes have been amicably settled with the petitioners and, therefore, she does not want to prosecute the petitioners. In this regard, both the parties have filed I.A. Nos. 8314/13 and 8315/13 u/s 320(2) of the Code.

6. Since both the parties have settled their disputes amicably and filed compromise petitions, the complainant/respondent No. 2 Smt. Neelam alias Lata categorically submitted before this Court that she does not want to prosecute the petitioners, therefore, in my opinion, continuation of criminal proceedings against the petitioners would be an abuse of process of law. Hence, in exercise of the powers conferred u/s 482 of Cr.P.C., I deem it proper to quash the criminal proceedings pending against the petitioners emanating from the impugned FIR lodged at Crime No. 2/2006 under Sections 498-A of IPC and 4 of Dowry Prohibition Act. In this regard, I may profitably place reliance on the decision of the Apex Court in the case of Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and Another, Accordingly, the petition is disposed of.