

(2010) 12 UK CK 0008

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 757 of 2010

Dr. Anurag Gurtu and Others

APPELLANT

Vs

State of Uttarakhand and Another

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Dowry Prohibition Act, 1961 — Section 3, 4
Hindu Marriage Act, 1955 — Section 13B
Penal Code, 1860 (IPC) — Section 498A

Citation : (2011) 1 NCC 824

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S. Verma

1. By means of this application filed U/S 482 Cr.P.C. the applicants, who are accused in Criminal Case No. 1486 of 2009 U/Ss 498-A I.P.C. read with Section 3/4 Dowry Prohibition Act, have prayed for quashing of the charge sheet and the entire proceedings of above Criminal Case No. 1486 of 2009, pending before C.J.M. Haridwar.

2. According to the applicants, respondent No. 2 Smt. Swati was married to applicant No. 1 Dr. Anurag Gurtu and applicant Nos. 2 and 3 are her in-laws. The respondent No. 2 lodged F.I.R. against the applicants U/S 498-A I.P.C. and Section 3/4 Dowry Prohibition Act and the criminal case No. 1486 of 2009 is pending before C.J.M., Haridwar. The parties have arrived at compromise. All the applicants as well as respondent No. 2 Smt. Swati Gurtu are present in court. They have accepted the compromise and filed in Court. According to the terms of compromise there has been one time settlement for Stridhan and future maintenance and a sum of Rs. Ten lacs twenty five thousands have been deposited in the name of respondent No. 2 in the Family Court at Bareilly U.P.

where the joint petition of divorce between applicant No. 1 and respondent No. 2 U/S 13-B of Hindu Marriage Act is pending. It is also averred in the compromise that all cases pending between the parties have already been withdrawn and only Criminal Case No. 1486/2009 is pending.

3. The Hon"ble Apex Court in the case of B.S. Joshi & Ors. Vs. State of Haryana & Anr. reported in 2003 (3) Supreme 227, has held that in matrimonial offences the High Court can quash non-compoundable criminal proceedings u/s 482 Cr.P.C. irrespective of limitations U/S 320 Cr.P.C. Therefore, in view of the law laid down by Hon"ble Apex Court in above cited case of "B.S. Joshi" and keeping in view the fact that both the parties have arrived at a amicable settlement of the disputes among them, the proceedings of Criminal Case No. 1486 of 2009, pending before C.J.M. Haridwar, are liable to be quashed.

4. The Criminal Misc. Application is allowed. The proceedings of Criminal Case No. 1486 of 2009, pending in the Court of C.J.M. Haridwar, are hereby quashed. The compromise deed filed by parties, shall form part of this order.