

(2000) 11 DEL CK 0013

In the Delhi High Court

Case No : Criminal Writ Petition No. 665 of 2000

Gajanand Sharma and Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 07-11-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 315, 34, 406, 498A, 506

Citation : (2001) 1 RCR(Criminal) 660

Hon'ble Judges : Usha Mehra, J;K. Ramamoorthy, J

Bench : Division Bench

Advocate : Sunil K. Mittal, for the Appellant; Mukta Gupta, for the Respondent

Judgement

Usha Mehra, J.—This is a joint petition by the husband and wife seeking quashing of FIR and the proceedings initiated thereon which was registered under Sections 406/498-A/315/506/34 IPC against petitioner Nos. 1 to 5, the husband and his relations. The said FIR was registered as FIR No. 201/2000 within the jurisdiction of Police Station Mandir Marg.

2. During the pendency of these proceedings, at the intervention of friends and relations, compromise was arrived at pursuant to which the petitioner Nos. 3 and 6 started living together as husband and wife. Since the petitioners No. 3 and 6 are living together as husband and wife and have no cause of grievance against each other, hence petitioner No. 6 the wife decided to get the FIR lodged by her against petitioners 1 to 5 quashed.

3. Statement of the parties have been recorded separately which show that petitioner No. 6 wife and petitioner No. 3 the husband are living together since July, 2000. They have no complaint against each other. Parties have also made their statements to the same effect and have stated that there is no grievance against each other.

4. It is well settled that the offences which are non-compounded in relation to

the quashing of the offences, the High Court has to act with more caution and circumspection. But at the same time the power of the High Court vis-a-vis non-compoundable offences is not totally curtailed. To say that the High Court is without power although parties have settled their disputes amicably would be to make the provisions of Section 482 of Cr.P.C. nugatory and ineffective. So long as these powers are exercised to secure the end of justice and to stop the abuse of the process of the Court, it will be within the framework of the Code of Criminal Procedure. Compromise in modern society is sine-qua-non of harmony. Exercising the inherent power u/s 482 Cr.P.C., for the purpose of amicable resolution of disputes which emanate out of the matrimonial differences, is to advance the cause of justice. No useful purpose will be served if the parties who have amicably settled their matrimonial dispute and want to bury their past and to live in a spirit of peace and harmony, are forced to drag on with criminal litigation. It will be against the spirit of the Act to relegate them before the police and the Court specially when they have settled their differences. Instead of securing justice, it would amount to perpetuating disharmony and ultimately leading to injustice to such parties. In the present case husband and wife have settled their differences and are living together. No useful purpose will be served in such a case to prolong the litigation, particularly when the complainant herself is not ready to proceed with the same. It would rather disturb the harmony and peace and the matrimonial life of the husband and wife.

5. In these circumstances, we deem it fit to exercise inherent power of this Court and quash of FIR No. 201/2000 under Sections 498-A/406/315/506/34 IPC of Police Station Mandir Marg as well as the proceedings emanating there from.

6. Petition stands disposed.