
(2013) 07 JH CK 0179

In the Jharkhand High Court

Case No : Criminal M.P. No. 1197 of 2013 with Cr. M.P. No. 1872 of 2013

Jagdish Prasad Singh and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 17-07-2013

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 307, 406, 498A

Citation : (2013) 4 JLJR 258

Hon'ble Judges : R.R. Prasad, J

Bench : Single Bench

Advocate : Ashutosh Anand, for the Appellant; Shailesh, Advocate for O.P. No. 2, for the Respondent

Final Decision : Allowed

Judgement

R.R. Prasad, J.—Heard learned counsel appearing for the petitioners, learned counsel for the State and the learned counsel for O.P. No. 2. The first information report of Govindpur P.S. Case No. 541/2012 (G.R. No. 4775/12), instituted under Sections 498A, 406, 307 of the Indian Penal Code and also u/s 3/ 4 Dowry Prohibition Act, is being sought to be quashed on the ground that the parties got their matrimonial dispute settled and have arrived at to a compromise.

2. Learned counsel appearing for the petitioner submits that a Complaint Case bearing C.P. Case No. 2084 of 2012, was lodged on the allegations that the complainant had been married to Jainendra Kumar Singh (petitioner no. 1 in Cr.M.P. No. 1872/13). After marriage, when the complainant came to her in-laws place, all the accused persons started subjecting her to cruelty on account of non-fulfillment of the demand of dowry and that at one point of time the accused persons administered one tablet to the complainant in order to kill her, but the repercussion of the tablet has not been given in the first information report and, thereby, even if this allegation is accepted that the accused persons administered a tablet to the complainant, no case u/s 307 IPC would be made out. Moreover,

in the meantime, the parties got their matrimonial dispute settled and the terms of the settlement had been reduced in writing and has been filed in both these cases by way of interlocutory applications bearing I.A. Nos. 1840/2013 & 1842/2013 respectively. That apart, a joint compromise petition has also been filed. Therefore, when the parties got their matrimonial dispute settled, no useful purpose would be served to allow all these petitioners to undergo rigor of trial.

3. Mr. Shailesh, learned counsel appearing for O.P. No. 2 submits that it is true that the parties got their matrimonial dispute resolved.

4. In view of the fact that the parties got their matrimonial dispute resolved, no useful purpose would be served to allow all these petitioners to undergo rigor of trial in a case wherein main allegation constitutes offence u/s 498A IPC though allegations have also been made with respect to commission of the offence u/s 307 IPC, but on the allegations made in the FIR, no case is made out u/s 307 IPC. In such situation, there would be no difficulty in accepting the compromise. Accordingly, the first information report of Govindpur P.S. Case No. 541/2012 (G.R. No. 4775/12), is hereby quashed, so far as all these petitioners are concerned. In the result, both these applications stand allowed.