
(2019) 05 UK CK 0192

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 797 Of 2018

Jeet Ram Raturi And Others

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 17-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 320, 498A, 504, 605
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2019) 05 UK CK 0192

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Pawan Mishra, Preeta Bhatt, Manish Lohani

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code") has been filed by the petitioners to quash the charge sheet dated 04.01.2018 as well as cognizance order dated 19.03.2018 and the proceedings of Criminal Case No. 164 of 2018, State Vs. Virendra Prasad Raturi and others, under Sections 498-A, 504, 605 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961, pending in the court of learned Judicial Magistrate, 1st Class, Srinagar, District Pauri Garhwal on the basis of amicable settlement between the parties

2. A compounding application has also been filed by the petitioner no.2 and respondent no.2, who are husband and wife. The compounding application is supported by the affidavits of the petitioner no.1 Virendra Prasad Raturi as well as the respondent no.2 Smt. Beena Raturi. Petitioner nos. 1, 2 and 4 are present in person before this Court duly identified by his counsel Mr. Pawan Mishra. Respondent no.2 is also present in person before this Court duly identified by her counsel Mr. Manish Lohani.

3. Learned counsel for the petitioners and respondent no.2 both would argue that since it is a dispute relating to marriage and parties have settled their dispute amicably, the continuance of criminal proceedings would yield no result and they need to be quashed.

4. Heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioners and respondent no.2 both would argue that since it is a dispute relating to marriage and parties have settled their dispute amicably, the continuance of criminal proceedings would yield no result and they need to be quashed. In the case of *Gian Singh Vs. State of Punjab and Another*, (2012) 10 SCC 303, the Hon'ble Supreme Court, inter alia, held as under:

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court....."

6. In the case of *Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Vs. State of Gujarat and Another*, (2017) 9 SCC 641, principles have been laid down by the Hon'ble Supreme Court in the matter of quashing criminal proceedings on the ground of settlement between the parties.

7. As stated, the dispute relates to marriage and parties have amicably settled their dispute. In fact, if the trial proceeds now, the possibility of conviction is remote and bleak. It would not secure the ends of justice. In fact, interest of justice demands that the criminal case is put to an end. Therefore, this Court is of the view that since parties have amicably settled their dispute, the criminal proceedings deserve to be quashed and the petition deserves to be allowed.

8. Accordingly, the instant petition is allowed. The entire proceedings of Criminal Case No. 164 of 2018, *State Vs. Virendra Prasad Raturi and others*, under Sections 498-A, 504, 605 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961, pending in the court of learned Judicial Magistrate, 1st Class, Srinagar, District Pauri Garhwal are hereby quashed.

9. Compounding Application being CRMA No.1214 of 2019 stands disposed of accordingly.