
(2005) 11 AHC CK 0106

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 2678 of 2005

Mohd. Saleem @ Bablu and Ors.

APPELLANT

Vs

State of U.P.& Anr.

RESPONDENT

Date of Decision : 18-11-2005

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A, 504, 506

Citation : (2005) 11 AHC CK 0106

Hon'ble Judges : B.B.Agrawal, J

Final Decision : Allowed

Judgement

B.B. Agarwal, J.—This petition has been moved under Section 482 Cr. P.C. for quashing of the chargesheet submitted in crime No. 51 of 2004 case No. 6318 of 2005 under Sections 498A, 323, 504 and 506 IPC pending in the Court of CJM Lucknow.

2. Heard Sri Rajesh Singh from the side of the petitioners and Sri Syed Waquar Hussain Rizvi, respondent No. 2 as well as Sri Rahul Dubey from the side of State of U.P. It appears that an F.I.R. was lodged at Police Station Mahila Thana Hazratganj Lucknow under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act against the petitioners and others. After investigation Police submitted chargesheet only against the petitioners.

3. During the investigation of this case, one writ of habeas corpus was filed by the respondent No. 2 in the High Court for delivery of his minor children who were in the custody of petitioner No. 1. In the High Court the parties entered into oral compromise and had given a statement before the High Court that the respondent would withdraw the proceedings under Section 125 Cr. P.C. and the case under Section 498A which was filed by respondent No. 2, the petitioner in that writ petition and she would live with her husband and children according to her wishes. The writ petition was disposed of with the direction to the parties to move an application for withdrawal of the case under Section 125 Cr. P.C. and

498A IPC. According to law in the competent Court.

4. After that writ petition as chargesheet was filed against the petitioner and cognizance was taken by the Magistrate, therefore, the petitioners have filed this petition under Section 482 Cr. P.C. for quashing of the chargesheet.

5. The respondent No. 2 has filed counteraffidavit wherein she has admitted all the above noted facts regarding the compromise in between her and the petitioners. She is present in the Court and stated in the Court that she was residing with her husband and she did not want to proceed with the criminal case now.

6. It is to be noted that offence under Section 506 IPC is noncompoundable and rest of the offences are compoundable at the instance of the victim. The victim is ready to compound the matter. It has been held by Hon"ble the Supreme Court in various case law that in such cases the continuation of the proceedings would be a sheer wastage of time of the Court and unnecessary harassment to the accused persons when the parties, who are particularly husband and wife have entered into compromise and have started to live together jointly. This view has also been expressed in the case of Smt. Shakuntala Devi & Ors. v. State of U.P. & Ors., 2005 (2) JIC 801 (All), by this High Court also that on the basis of the compromise in the matrimonial proceedings of matrimonial disputes the criminal proceedings may be quashed in the interest of justice so that the parties may live jointly, as the result of such proceedings will be in acquittal.

7. Thus since the parties in this case have entered into compromise and the complainant at whose instance the F.I.R. was registered at the Police Station does not want to proceed with the case, therefore, it is expedient in the interest of justice that the chargesheet submitted in the case may be quashed and the petition may be allowed.

8. The petition is allowed. The chargesheet in case crime No. 51 of 2004 case No. 6318 of 2005 under Sections 498A, 323, 504, 506 IPC Police Station Mahila Thana Hazratganj, Lucknow pending in the Court of CJM Lucknow is hereby quashed.