
(2005) 03 RAJ CK 0013

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 243 of 2005

Nasrudin and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-03-2005

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 4
Penal Code, 1860 (IPC) — Section 323, 498A

Citation : (2005) 03 RAJ CK 0013

Hon'ble Judges : Khem Chand Sharma, J

Bench : Single Bench

Advocate : Neeraj Kumar Sharma, for the Appellant; Roshan Mittal, for the Non-Petitioner No. 2 and Mr. Arun Sharma, Public Prosecutor, for the Appearing Parties

Final Decision : Allowed

Judgement

K.C. Sharma, J.—Heard Counsel for the parties. The matrimonial dispute between the parties which resulted into criminal proceedings under Sections 498-A, 323 IPC and Section 4 of the Dowry Prohibition Act pending in the Court of Judicial Magistrate No.4 Ajmer has been settled amicably and the parties have entered into compromise. Having compromised the matter, both the parties filed an application before the trial Court and prayed that the criminal proceedings pending against the petitioners be dropped. The learned Magistrate declined the request of the parties. The revision petition filed against the order of the trial Court was also dismissed.

2. Learned Counsel submitted that despite the fact that parties have entered into written compromise, the trial Court is proceeding ahead in the criminal case pending against the petitioners.

3. It is well settled that while exercising inherent jurisdiction the Court should encourage genuine settlements of the cases arising out of matrimonial disputes. While considering the object of introducing Chapter XX-A containing Section 498-

A, their Lordships of the Supreme Court in B.S. Joshi and Others Vs. State of Haryana and Another, have observed as under:

There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her to her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interest of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code.

4. The petitioners and respondent wife, who are present in the Court and have been identified by their respective advocate have made a statement before this Court that they have amicably settled their all disputes and now they have no grievance against each other. Having gone through the contents of the petition, the papers annexed there with and on the basis of statements made by the parties, I am satisfied that the parties have genuinely settled their matrimonial dispute, inasmuch as the husband and wife are living together peacefully with no grievance against each other. In this view of the matter, I find it to be a fit case where inherent jurisdiction u/s 482 Cr.P.C. should be exercised.

5. For the reasons aforesaid, I allow this petition and quash the proceedings against the accused petitioners pending in the Court of Judicial Magistrate Ist Class, No.4, Ajmer in criminal case No.230/2004.