
(2017) 04 JH CK 0065
In the Jharkhand High Court
Case No : 1854 of 2016

National Insurance Co. Ltd

APPELLANT

Vs

Tulsi Bannerjee & Ors

RESPONDENT

Date of Decision : 11-04-2017

Acts Referred:

Indian Penal Code, 1860, Section 34, Section 498-A - Acts done by several persons in furtherance of common intention
Hindu Marriage Act, 1955, Sectio

Citation : (2017) 04 JH CK 0065

Hon'ble Judges : Rongon Mukhopadhyay

Bench : SINGLE BENCH

Advocate : K.P. Deo, G.S. Prasad, Om Prakash Singh

Judgement

1. Heard Mr. K.P. Deo, learned counsel for the petitioners and Mr. G.S. Prasad, learned A.P.P. for the State as well as Mr. Om Prakash Singh, learned counsel for the opposite party no. 2.

2. In this application, the petitioner has prayed for quashing of the entire criminal proceedings in connection with Chirkunda P.S. Case No. 143 of 2015, corresponding to G.R. No. 2276 of 2015, including the order dated 02.06.2016 passed by the learned Chief Judicial Magistrate, Dhanbad whereby and whereunder cognizance has been taken against the petitioners for the offences punishable u/s 498A/34 of the Indian Penal Code.

3. A First Information Report was instituted wherein it was alleged that the marriage of the opposite party no. 2 was solemnized with the petitioner no. 1 on 21.01.2014. It is alleged that the opposite party no. 2 on several occasions were assaulted by the petitioner no. 1 as well as her in-laws which led her to institute Chirkunda P.S. Case No. 143 of 2015. After investigation culminated in submission of charge-sheet cognizance was taken on 02.06.2016 by the learned Chief Judicial Magistrate, Dhanbad for the offences punishable u/s 498A/34 of

the Indian Penal Code.

4. At the outset it has been submitted by the learned counsel for the petitioners that the matter has been compromised between the parties on various terms and conditions agreed upon. Learned counsel for the petitioners further submits that an amount of Rs. 12,00,000/- has already been paid to the opposite party no. 2 by way of two drafts one bearing no. 35870 of an amount of Rs. 9,00,000/- and another bearing no. 35869 of an amount of Rs. 3,00,000/- as permanent alimony. It has been submitted that the petitioner no. 1 as well as the opposite party no. 2 has filed an application u/s 13 B of the Hindu Marriage Act for dissolution of their marriage which is still pending although the statement of the parties have been recorded. Learned counsel for the petitioners further submits that the petitioner no. 1 is the husband whereas the other petitioners are the in-laws of the opposite party no. 2 and since the matter has been resolved between the petitioner no. 1 and the opposite party no. 2 the entire criminal proceedings as against the other petitioners also deserves to be quashed and set aside.

5. Mr. Om Prakash Singh, learned counsel appearing for the opposite party no. 2 has accepted the factum of compromise and has also categorically stated that an amount of Rs. 12,00,000/- as full and final settlement has already been received by the opposite party no. 2. It has been submitted that she does not have any grievance against the petitioners and also has no objection if the entire criminal proceedings against the petitioners are quashed.

6. The compromise which has been effected between the parties can be reflected in I.A. 710 of 2017 which is by way of a joint compromise petition. The terms and conditions have been reflected in paragraph 3 of the said petition wherein it appears that an application u/s 13 B of the Hindu Marriage Act has been preferred by the petitioner no. 1 as well as the opposite party no. 2. It also appears that two bank drafts totaling an amount of Rs. 12,00,000/- has also been paid to the opposite party no. 2 as permanent alimony. The other conditions which could be gathered from the Interlocutory Application under reference is that the opposite party no. 2 does not have any objection if the entire criminal proceedings in connection with Chirkunda P.S. Case No. 143 of 2015, corresponding to G.R. No. 2276 of 2015 is quashed.

7. Considering the compromise which has been arrived at between the petitioner no. 1 and the opposite party no. 2 and since the same shall guide the other petitioners also continuation of the criminal proceedings as against the petitioners in view of the compromise so arrived at would be an act in futility.

8. Accordingly, in view of what has been stated above, this application is allowed and the entire criminal proceedings in connection with Chirkunda P.S. Case No. 143 of 2015, corresponding to G.R. No. 2276 of 2015, including the order dated 02.06.2016 passed by the learned Chief Judicial Magistrate, Dhanbad whereby and whereunder cognizance has been taken against the petitioners for the offences punishable u/s 498A/34 of the Indian Penal Code is, hereby quashed

and set aside.

9. This application is allowed.

10. Pending I.A.s. also stands disposed of.