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**(2010) 09 UK CK 0181**

**In the Uttarakhand High Court**

**Case No :** Criminal Writ Petition No. 585 of 2010 and Compounding Application  
7571 of 2010

Prakash Singh and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

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**Date of Decision :** 08-09-2010

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 125  
Dowry Prohibition Act, 1961 — Section 4  
Hindu Marriage Act, 1955 — Section 9  
Penal Code, 1860 (IPC) — Section 323, 498A, 506

**Citation :** (2010) 09 UK CK 0181

**Hon'ble Judges :** Dharam Veer, J

**Bench :** Single Bench

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## Judgement

Dharam Veer, J.—The petitioner have filed the instant writ petition for quashing the FIR No. 1/2010 dated 22.1.2010 lodged at Patti Nathuakhan, District Nainital u/s 498-A IPC and 3/4 of Dowry Prohibition Act.

2. I have heard learned Counsel for the parties and perused the materials available on record.

3. Facts, in brief, are that respondent No. 5 Smt. Kavita lodged a report on 22.1.2010 against her husband, father-in-law, sister-in-law and brother-in-law with the averments that she got married to Prakash Singh Mehra (petitioner No. 1) on 9.12.2009 at New Delhi as per Hindu rites. Her husband, father-in-law and brother-in-law are in police service at Delhi. In her marriage, sufficient dowry was given according to the status. On 10.12.2009, when her parents and other relatives left Delhi after the marriage, immediately thereafter her husband scolded her parents on phone and told that he was expecting a motorcycle and at least rupees five lakhs cash in dowry and non-fulfillment of this has put him in shame in the society and he further threatened that if the aforesaid demand would not be fulfilled soon, their daughter shall be ousted from the house. The complainant was not allowed to talk to her parent and her mobile phone was

snatched by her in-laws. She was being harassed by the petitioners for dowry, but her mother-in-law always defended the complainant. On 12.12.2009, she telephoned her father when she got a chance to do so and told him to come immediately, but the petitioners threatened her father that if he would come, they will break his legs and hands and will put him in jail as their whole family is in police service. Thereafter on 13.12.2009, the parents of the complainant and other relatives came to the house of petitioners at Delhi in PCR Van of Delhi Police. Written compromise took place in the presence of police and her parents and relatives left her at Delhi keeping in view her future family life. On 16.12.2009, her husband took her to Vaishno Devi Temple where he again scolded her for dowry. After returning to Delhi, petitioners again started harassing her for dowry and her husband sometimes also beaten her and he used to talk to other girls on phone in the night. On 24.12.2009, she again telephoned her father and requested him to take her from her in-laws house as they would kill her. Thereafter her relatives came on the same day in PCR Van of police and took her along with them from the petitioner's house. Thereafter on 25.12.2009, petitioner No. 1 (husband) along with two other persons came at the maternal house of the complainant in a car and abused and beaten her. On raising alarm by her sister and mother, they left the said place and threatened that if she wants to live along with him, then she must arrange a motorcycle and rupees five lakhs cash. Complainant also received injuries in the said incident.

4. Parties have filed compounding application stating that they have entered into compromise and sought permission of this Court that their compromise may be accepted and compounding application may be allowed as the matter has been settled amicably between them and as per the compromise, the complainant does not want to press the prosecution of the case filed by her against the petitioners and it has been further agreed to enter into a mutual divorce. Rupees three lakhs have also been given today in the Court by bank drafts to the complainant Smt. Kavita towards her permanent maintenance. Compounding application is signed by the parties and duly supported by the affidavits of petitioner No. 1 as well as the complainant/respondent No. 5 and duly verified by their respective Counsel.

5. Reliance has been placed on the judgment delivered by the Hon''ble Apex Court in the case of B.S. Joshi and Others Vs. State of Haryana and Another, , the Hon''ble Apex Court in paragraphs 12 and 13 held as under:

12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad and Ors. (2000) 3 SCC 693 are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little

matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.

6. Reliance has also been placed on the judgment delivered by the Hon'ble Apex Court in the case of Ruchi Agarwal v. Amit Kumar Agarwal and Ors. reported in 2005 SCC (Cri.) 719, wherein at para 5, 6 & 9 it has been held as under:

5. In the compromise petition, referred to herein above, both the parties had agreed to withdraw all the civil and criminal cases filed by each against the other. It is pursuant to this compromise, the above divorce as sought for by the appellant was granted by the husband and pursuant to the said compromise deed the appellant also withdrew Criminal Case No. 63 of 2002 on the file of the Family Court, Nainital which was a complaint filed u/s 125 of the Criminal Procedure Code for maintenance. It is on the basis of the submission made on behalf of the appellant and on the basis of the terms of the compromise, said case came to be dismissed. However, so far as the complaint under Sections 498A, 323 and 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act is concerned, which is the subject matter of this appeal, the appellant did not take any steps to withdraw the same. It is in those circumstances, a quashing petition was filed before the High Court which came to be partially allowed on the ground of the territorial jurisdiction, against the said order the appellant has preferred this appeal .

6. From the above-narrated facts, it is clear that in the compromise petition filed before the Family Court, the appellant admitted that she has received Stridhan and maintenance in lump sum and that she will not be entitled to maintenance of any kind in future. She also undertook to withdraw all proceedings civil and criminal filed and initiated by her against the respondents within one month of the compromise deed which included the complaint under Sections 498A, 323 and 506 IPC and under Sections 3 and 4 of Dowry Prohibition Act from which complaint this appeal arises. In the said compromise, the respondent- husband agreed to withdraw his petition filed u/s 9 of the Hindu Marriage Act pending before the Senior Judge, Civil Division, Rampur and also agreed to give a consent divorce as sought for by the appellant.

9. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal

also quash proceedings arising from the Criminal Case No. Cr. No. 224/2003 registered in Police Station, Bilaspur, (Distt. Rampur) filed under Sections 498A, 323 and 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of.

7. In view of the above legal proposition propounded by the Hon"ble Supreme Court, the compounding application is allowed and the compromise entered into by the parties is accepted.

8. Accordingly, the impugned FIR No. 1/2010 dated 22.1.2010 lodged against the petitioners at Patti Nathuakhan, District Nainital u/s 498-A IPC and 3/4 of Dowry Prohibition Act is hereby quashed. The petition is disposed of accordingly. Interim order dated 21.7.2010 stands vacated.