

(2018) 07 RAJ CK 0238

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 5422 of 2017, 4280 of 2018

**Purushottam Lal Meena And Ors @APPELLANT@Hash State of Rajasthan
& Ors**

Date of Decision : 27-07-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 406, 498A

Citation : (2018) 07 RAJ CK 0238

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : Biri Singh Sinsinwar, Vinod Singhal, Aladeen Khan, Ashish Kumar Gurjar

Final Decision : Allowed

Judgement

S.B. Criminal Misc. Petition No.4280/2018 has been filed under Section 482 Cr.P.C. seeking quashing of same FIR on the basis of compromise qua

which S.B. Criminal Misc. Petition No.5422/2017 is already pending.

Overlooking the defects pointed out by the Registry, present petition is clubbed with S.B. Criminal Misc. Petition No.5422/2017.

Heard learned counsel for the parties.

Present petitions have been filed under Section 482 Cr.P.C. seeking quashing of FIR No.135/2017, registered at Police Station Mahila Thana, Jaipur

City (East) for offences under Sections 498A, 406, 323 IPC.

This court on 23.07.2018 had passed the following order:-

â??Learned counsel for the parties have submitted that during pendency of present petition, compromise has been arrived between the parties. It is

further submitted that the marriage between the parties has been dissolved by the Family Court and custody of child has also been granted to the

petitioner-husband and furthermore, Rs.8 Lac has been paid to the respondent-wife towards cost of litigation.

Let at first instance, statements of complainantrespondent No.2 and petitioner No.1 be recorded by the Deputy Registrar (Judicial) upon identification by their respective counsels.

To await statements to be recorded by the Deputy Registrar (Judicial), list on 27.07.2018. Liberty is granted to the petitioners to place all documents on record. A further liberty is granted to the petitioners to file an application seeking quashing of FIR on the basis of compromise.â??

In pursuance of above said order, statement of complainantrespondent No.2 Charu Singh Dev and accused-petitioner No.1 Purushottam Lal Meena have been recorded by the Deputy Registrar (Judicial). Both the statements recorded by Deputy Registrar (Judicial) are taken on record.

Statement of complainant Charu Singh Dev recorded by the Deputy Registrar (Judicial), for ready reference, is reproduced below:-

â??jktLFkku mPp U;k;ky; ihB] t;iqjA

,l0ch0 fdzfeuy fel0 ihfVâ??ku uEcj 5422@2017 iq:'''kksRre yky ehuk o vU; cuke ljdkj o vU;

fnuakd 24@07@2018

eSa pk: flag nso iq=h Jh vkâ??kqfe= flag nso] ifRu Jh iq:'''kksRre yky vk;q yxHkxÂ 29 o'''kZ] tkfr ehuk] fuoklh& vkj,,l dkWyksuh] ikuh dh Vadh ds

ikl] txriqjk] t;iqj] ftyk&t;iqjA

'kiFk iwoZd c;ku djrh gwW fd esjh 'kknh iq:'''kksRre yky ehuk ds lkFk fnuakdÂ Â 11-07-2013 dks ehuk lekt ds jhfr&fjoktksa ds vuqlkj gq;h FkhA

gekjh 'kknh ls gekjs ,d iq= gSA ftldk tUe 2512-2014 dks U;w;ksdZ vesfjdk es gqvK FkKA ftls vesfjdk dh ukxfjdrk izkIr gSA 'kknh ds ckn ls ge nksuksa

ds chp oSpkfjd erHksn mRiUu gks x;sA ge nksuksa ds chp vkilh lgefR ls fnuakd 15-06-2018 dks ikfjokfjd U;k;ky; esa ,oa ehuk lekt ds lkeus fnuakd 23-

05-2018

dks fookg foPNsn gks pqdk gSA eSaus ,d ,QvkbZvkj 135@2017 efgyk iqfyl Fkkuk t;iqj 'kgj Â¼iwoZÂ½ esa ntZ dj;h FkhA vc gekjs chp 'krksZa ds

vuqlkj vkilh jkthukek gks pqdk gSA eSa vc bl ekeys esa dksbZ dkuwuh dk;Zokgh iq:'''kksRre yky ehuk ,oa mlds ifjokj okyksa ds f[kykQ ugha pkgrh

gwWA eSaus bl ckcr iqfyl Fkkus esa fyf[kr esa ns fn;k gSA Hkfo'''; esa ge nksuksa ,d&nwljs ds f[kykQ dksbZ dkuwuh dk;Zokgh ugha djsaxsA eq>s

vkSj dqN ugha dguk gSA uksV %& xokg dk c;ku esjs funsZâ??ku esa mlds dgs
vuqlkj Vad.kdrkZ }kjk dEI;qVj ij Vafdr fd;k x;k] ftls xokg dks ilqub; k o le>k; k x;k
rks mlus mDr dFkuksa dks lqu o le> dj lgh gksuk Lohdkj fd;kA

vkj0vks0,.M+ ,0lh0 fMIVh jftLVÂakj Â¼U;kf;dÂ½â??

Â Complainant-respondent No.2 Charu Singh Dev is present in court. She
submitted that she no longer intends to pursue the present FIR and hence,
proceedings be quashed.

Learned counsel for the parties have relied upon B.S. Joshi & Ors. v. State of
Haryana, (2003) 4 SCC 675, to contend that in matrimonial matters, to

bring families at peace, this court while invoking inherent powers under Section
482 Cr.P.C. can quash the FIR and subsequent criminal proceedings

even for noncompoundable offences.

Taking into account the submissions made by the learned counsel for the parties
and considering the fact that the matrimonial dispute has been

resolved by the parties by way of compromise, the petitions are allowed and the
impugned FIR alongwith all subsequent proceedings,Â is quashed.