
(2013) 06 MP CK 0049
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 3884 of 2013

Ravindra Khiyani

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 17-06-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2013) 06 MP CK 0049

Hon'ble Judges : G.S. Solanki, J

Bench : Single Bench

Advocate : Shivendra Pandey, for the Appellant; P.K. Chourasia, PL for Respondent No. 1 and Shri S.B. Shrivastava, Advocate, for the Respondent

Judgement

G.S. Solanki, J.—Heard finally with the consent of the learned counsel for the parties. Petitioners have filed this petition invoking the extraordinary jurisdiction of this Court u/s 482 of Cr.P.C. for quashing the proceedings of R.T. No. 8809/2007 pending before JMFC, Bhopal under sections 498-A/34 of the IPC and 3/4 of the Dowry Prohibition Act against the petitioners.

2. The facts, in short, giving rise to this petition are that marriage of petitioner No. 1 and respondent No. 2/complainant was solemnized on 9.7.2003. Thereafter, due to some family disputes, respondent No. 2 lodged an FIR (P-2) against the petitioner and the Police has registered the offence u/s 498-A and 3/4 of the Dowry Prohibition Act against the petitioners, which is pending before JMFC, Bhopal as R.T. No. 8809/2007.

3. Learned counsel for the petitioners has submitted that during trial, petitioners and respondent No. 2 entered into a compromise and on the basis of said compromise, they have settled their disputes out of the Court. However, since the offence u/s 498-A of IPC is not compoundable, therefore, the trial Court has no jurisdiction to grant permission to compromise u/s 498-A/34 of the IPC. Other

matrimonial cases have also been compromised by the parties and now they are living peacefully together. Counsel has further submitted that if the trial is allowed to be continued, it would amount to harassment of petitioners and abuse of process of Court. He has placed reliance on the decision of Apex Court in B.S. Joshi and Others Vs. State of Haryana and Another,

4. Learned counsel for the State and complainant have raised no objection.

5. It is true that offence u/s 498-A of IPC is not compoundable, but non-compound ability of Section 498-A of the IPC is not going to come in the way of this Court in exercising the power u/s 482 of Cr.P.C. in order to encourage genuine settlement of matrimonial disputes as held by the Apex Court in B.S. Joshi and others Vs. State of Haryana and others (supra).

6. Thus, on the basis of compromise entered into between the parties and in the light of the aforesaid decision of the Apex Court, this petition is allowed. The petitioners are acquitted to the charges u/s 498-A/34 of the IPC and 3/4 of the Dowry Prohibition Act. The criminal proceedings pending before JMFC, Bhopal vide R.T. No. 8809/2007 are hereby quashed. Certified copy as per rules.