

(2014) 01 GUJ CK 0099

In the Gujarat High Court

Case No : Criminal Misc. Application (for Quashing & Set Aside fir/Order)
No. 1078 of 2014

Sandeep R. Shukla

APPELLANT

Vs

State of Gujarat and 1 Another

RESPONDENT

Date of Decision : 31-01-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Dowry Prohibition Act, 1961 — Section 3, 7

Penal Code, 1860 (IPC) — Section 114, 323, 498A, 504, 506(2)

Citation : (2014) 01 GUJ CK 0099

Hon'ble Judges : G.R. Udhwani, J

Bench : Single Bench

Advocate : Suneeta R. Shukla, Advocate for the Applicant(s) No. 1, Advocate for the Appellant; H.K. Patel, APP for the Respondent(s) No. 1, Advocate for the Respondent

Judgement

G.R. Udhwani, J.—Ms. Falguni D. Trivedi, learned counsel appears for respondent No. 2-complainant and undertakes to file the Vakalatnama. Permission is granted.

2. Rule. Respondents waive service. Considering the short dispute and settlement between the parties, Rule is heard today by consent of the parties.

3. Learned counsel appearing for the parties have identified their respective parties and state that the matter is settled between the parties for which respondent No. 2-complainant has filed affidavit. The same is ordered to be taken on record.

4. The petitioner was charged with offences punishable under Sections 498A, 323, 504, 506(2) and 114 of the Indian Penal Code as also Sections 3 and 7 of the Dowry Prohibition Act in the FIR having been registered, being I-C.R. No. 89 of 2012 with Chhani Police Station, Vadodara.

5. The learned counsel for the petitioner and the second respondent would urge

this Court to quash the FIR in view of the settlement.

6. Learned APP while vehemently opposing the quashing of the FIR would contend that the offences alleged against the petitioner are serious in nature and would require trial.

7. The dispute predominantly appears to be of private character and in view of Gian Singh Vs. State of Punjab and Another, , such dispute even if not compoundable, can be compounded u/s 482 of the Code of Criminal Procedure, 1973. Learned APP vehemently contended that the offences are of serious nature and notwithstanding the settlement, trial should be allowed to go on. Such an argument cannot be countenanced for the simple reason that when the dispute is of predominantly private character and the complainant having decided against supporting the prosecution case, no useful purpose would be served in allowing the trial, which may cause wastage of public time, money and energy. Under the circumstances, the complaint, all other connected proceedings and proceedings of Criminal Case No. 3601 of 2012 pending before the learned Magistrate, First Class, Fourth Court, Vadodara are quashed. Rule is made absolute with no order as to costs.

Direct Service is permitted.