
(2013) 09 MP CK 0167

In the Madhya Pradesh High Court

Case No : Mis. Cr. Case No. 6916 of 2013

Shyam Bahadur Gupta

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 27-09-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320(1), 320(2), 482
Penal Code, 1860 (IPC) — Section 323, 34, 498A, 506

Citation : (2013) 09 MP CK 0167

Hon'ble Judges : Brij Kishore Dube, J

Bench : Single Bench

Advocate : Saket Udaniya, for the Appellant; Mukund Bhardwaj, Public Prosecutor for Respondent No. 1/State, Shri Ankit Saxena, Advocate for Respondent No. 2 and Respondents No. 2 in Person, for the Respondent

Final Decision : Disposed Off

Judgement

Brij Kishore Dube, J.—This petition u/s 482 of Cr.P.C. is preferred by the petitioners/accused for quashing the criminal proceedings instituted against them by the complainant being the respondents No. 2, Smt. Monica Shekar Gupta vide Crime No. 56/2013 under Sections 498A, 506, 323 and 34 of IPC, registered at Police Station Mahila Tana, Padav, Gwalior and its consequent criminal proceedings in Cr. Case No. 56/2013 pending before the Additional Chief Judicial Magistrate, Gwalior, on the basis of compromise between the parties. Short facts of the case are that the marriage of the complainant/respondent No. 2 Smt. Monica Shekar Gupta was solemnized with petitioner No. 3, Mayank Shekar Gupta on 20/10/1999 as per Hindu rites and customs and out of the wedlock two sons born. Petitioners No. 1 and 2 are parents-in-law of the complainant/respondent No. 2. On account of some matrimonial discord, a written complaint was made by the complainant being the respondent No. 2. On which, an FIR at Crime No. 56/2013 under Sections 498A, 506 and 323 read with 34 of IPC was registered at the Police Station, Mahila Tana, Padav, Gwalior against the petitioners herein/accused. After completing the investigation, challan has been

filed which is registered as Criminal Case No. 56/13 and pending before the Additional Chief Judicial Magistrate, Gwalior.

2. The respondent No. 2 filed I.A. No. 9399/2013 u/s 320(1) of Cr.P.C., for granting compromise and to record the compromise of the offence with the petitioners which is supported by her affidavit dated 27/09/2013 while I.A. No. 9400/2013 u/s 320(2) of Cr.P.C., has been filed by the petitioners supported by their affidavits dated 27/09/2013 for quashing the criminal proceedings pending against them on the basis of the compromise.

3. The respondent No. 2 by personally presenting herself before this Court has also stated that with the intervention of the family members, she has settled the subject-matter of the crime with the petitioners, she is residing with her husband, i.e., petitioner No. 3 since 23/05/2013 and, therefore, she does not want to prosecute the petitioners.

4. Considering the submissions of learned counsel for the parties and the facts of the case, this Court is of the opinion that no useful purpose would be served by continuing with the criminal proceedings pending against the petitioners.

5. Consequently, this petition is allowed. The criminal proceedings pending against the petitioners vide Crime No. 56/2013 under Sections 498A, 506, 323 and 34 of IPC, registered at Police Station Mahila Tana, Padav, Gwalior and its consequent criminal proceedings in Cr. Case No. 56/2013 pending before the Additional Chief Judicial Magistrate, Gwalior are ordered to be quashed [B.S. Joshi and Others Vs. State of Haryana and Another,

5. With the aforesaid, this petition is disposed of. Certified copy as per rules.