
(2003) 04 MP CK 0083

In the Madhya Pradesh High Court

Case No : Miscellaneous Cr. Case No. 4876 of 2002

Smt. Farhona Khan and Others

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 24-04-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 498A

Citation : (1978) ILR (MP) 475 : (2003) 4 MPHT 271

Hon'ble Judges : Ajit Singh, J

Bench : Single Bench

Advocate : Z.M. Shah, for the Appellant; Wakeel Khan, Panel Lawyer for Respondent No. 1 and Atul Choudhary, for the Respondent

Final Decision : Allowed

Judgement

Ajit Singh, J.—By this petition u/s 482 of the Code of Criminal Procedure the accused petitioners have prayed for quashing of the first information report, dated 22-5-2002 registered against them at Mahila Thana, Shyamla Hills, Bhopal for an offence u/s 498A of the Indian Penal Code.

2. The respondent No. 2 was married to petitioner No. 3 on 11-12-97. Petitioner Nos. 1 and 2 are sister and mother of petitioner No. 3.

3. It is submitted by the learned Counsel for the petitioners and respondent No. 2 that the differences between the parties have been resolved and now petitioner No. 3 and respondent No. 2 are living together happily as husband and wife. The respondent No. 2 has also filed a written application duly supported by her affidavit wherein she has prayed for the quashing of the first information report lodged by her against the petitioners as her differences with them have been resolved and she is living happily with the petitioner No. 3 as his wife.

4. In B.S. Joshi and Ors. v. State of Haryana JT 2003 (3) 277, it has been held by the Supreme Court as under :--

"14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers u/s 482 of the Code."

In view of the fact that the parties have entered into a compromise outside the Court and that they are living happily together, I see no justification in further allowing the prosecution of the petitioners for an offence u/s 498A of the Indian Penal Code."

5. I, therefore, quash the first information report dated 25-5-2002 lodged by the respondent No. 2 at Manila Thana, Shyamla Hills, Bhopal vide Crime No. 34/2002 for an offence u/s 498A of the Indian Penal Code.