
(2013) 01 MP CK 0085
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 65 of 2013

Smt. Farida Begum

APPELLANT

Vs

State of M.P. and ano.

RESPONDENT

Date of Decision : 22-01-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2013) 01 MP CK 0085

Hon'ble Judges : Brij Kishore Dube, J

Bench : Single Bench

Advocate : Rajnish Sharma, for the Appellant; R.K. Shrivastava, Panel Lawyer for the respondent No. 1/State and Shri A.S. Sikarwar, Advocate for the respondent No. 2, for the Respondent

Judgement

Brij Kishore Dube, J.—This petition u/s 482 of Cr.P.C. has been filed by the petitioners for quashing the FIR registered at Crime No. 484/12 by Police Station Kotwali, Morena for the offence punishable under Sections 498A & 506B read with Section 34 of IPC on the basis of compromise between the parties. Facts, in brief, are that the respondent No. 2, Smt. Noor Afroz @ Rani was married with the petitioner No. 4, Anver Khan. Petitioner No. 1 is mother-in-law, petitioner No. 2 is Jethani, petitioner No. 3 is Nanad while petitioner No. 5 is devar of the respondent No. 2, Smt. Noor Afroz @ Rani. There was matrimonial dispute between the petitioner No. 4 and respondent No. 2. On the basis of report lodged by respondent No. 2, Smt. Noor Afroz @ Rani a case at Crime No. 484/12 was registered by Police Station Kotwali, District Morena against the petitioners for the offence punishable under Sections 498A and 506B read with Section 34 of IPC.

2. Learned counsel for the respondent No. 2 contended that the complainant has settled her dispute with the petitioners amicably and, therefore, she does not want to continue with the criminal case initiated against the petitioners and has no objection for quashing the criminal proceedings against the petitioners. It is

further contended that the respondent No. 2 is present in person before this Court. On query, the respondent No. 2 submits that she has settled her dispute with the petitioners amicably and the proceedings against the petitioners may be dropped.

3. Learned counsel for the petitioners as well as respondent No. 2 further submits that the petitioner No. 4, Anver Khan has filed a petition for restitution of conjugal rights against his wife, Smt. Noor Afroz @ Rani in which both the parties have settled their dispute and on the basis of compromise the case has been disposed of. In this regard learned counsel has drawn attention of this Court towards the order-sheet dated 15.12.2012 passed in case No./2012 (H.M.A) by Additional District Judge, Morena in Lok Adalat.

4. The Supreme Court in Shiji @ Pappu and Others Vs. Radhika and Another, , it has been ruled that where there is no chance of recording conviction against the accused persons and the entire exercise of a trial is destined to be exercise of futility, the criminal case registered against the accused persons though it may not be compoundable can be quashed by the High Court in exercise of powers u/s 482 of Cr.P.C.

5. Looking to the nature and gravity of the offence, the alleged offence is not of a such nature that it would affect the law and order of the area or for that matter public order.

6. In view of the foregoing and having regard to the factum of compromise arrived at between the parties and in the light of law laid down by the Apex Court in the case of Shiji @ Pappu (supra), the criminal proceedings pending against the petitioners vide Crime No. 484/12 at Police Station Kotwali, Morena for the offence punishable under Sections 498A & 506B read with Section 34 of IPC are ordered to be quashed. This petition is disposed of accordingly.