
(2013) 07 MP CK 0184
In the Madhya Pradesh High Court
Case No : M.Cr.C.No. 6302 of 2013

Smt. Preeti Shukla

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 02-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 363, 366, 376, 498A

Citation : (2013) 07 MP CK 0184

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

Bench : Single Bench

Advocate : Anuvad Shrivastava, for the Appellant; Pratibha Mishra, PL, for the Respondent

Final Decision : Dismissed

Judgement

G.S. Solanki, J.—Heard on I.A. No. 13954/2013, which is an application for taking compromise on record. Applicants Smt. Preeti Shukla and Ram Kumar Shukla are present in person.

2. Learned counsel for the applicants has submitted that Crime No. 6/2013 has been registered against applicant No. 2 at P.S. Tara Devi under Sections 363, 366, 376 of the IPC on the report of applicant No. 1. Thereafter on due investigation, Police filed charge sheet against applicant No. 2 Ram Kumar Shukla before JMFC, Damoh, who committed the case to the Court of Session. Now applicant No. 2 is facing trial before the Sessions Court under Sections 363, 366, 376 of the IPC.

3. Learned counsel for the applicants has submitted that applicant No. 1 and applicant No. 2 have performed marriage. Their marriage certificate (A-6) has been placed on record. They have also filed a compromise petition. Counsel has placed reliance on a decision of Apex Court in Shiji @ Pappu and Others Vs. Radhika and Another, in which it has been held by the Apex Court that the High Court may quash prosecution even where offence with which accused charged

was non-compoundable u/s 482 of the Cr.P.C. only in cases where refusal to exercise that power may result in abuse of process of law.

4. Learned Panel Lawyer for the State has submitted that the offences u/s 363, 366, 376 of the IPC alleged against applicant No. 2 are non-compoundable, therefore, the compromise cannot be accepted.

5. I have heard the learned counsel for the parties at length and gone through the compromise filed by the applicants. It is true that the prosecutrix may not support the case of the prosecution before the trial Court, however, this case does not arise out of a matrimonial dispute. In B.S. Joshi and Others Vs. State of Haryana and Another, , it has been held by the Apex Court that the non-compoundability of Section 498A of the IPC is not going to come in the way of 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. However, it is not a matrimonial dispute.

6. In the instant case, the allegation made against applicant No. 2 is that he abducted minor prosecutrix and committed rape on her. Considering the gravity of the offence alleged against applicant No. 2, I do not find it a fit case to exercise the extraordinary jurisdiction of this Court u/s 482 of the Cr.P.C., therefore, no case for quashment of FIR is made out against applicant No. 2. However, it is expected from the trial Court to expedite and conclude the trial as far as possible within 6 months from the date of receipt of certified copy of this order. Consequently, I.A. No. 13954/2013 is dismissed, as a consequence thereof this petition is also dismissed.