
(2004) 01 RAJ CK 0025

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 51 of 2004

Suresh Kanwar (Smt.) and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 20-01-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 120B, 494, 498A

Citation : (2004) 2 DMC 133 : (2004) 4 RCR(Criminal) 818 : (2004) 3 RLW 1631 : (2004) 2 WLC 390

Hon'ble Judges : Shiv Kumar Sharma, J

Bench : Single Bench

Advocate : Anoop Dhand, for the Appellant; R.P. Meena, Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Shiv Kumar Sharma, J.—Matrimonial dispute that resulted into a criminal case under Sections 498A, 494 and 120B IPC, has been ultimately settled amicably and the complainant wife did not want to continue with the criminal case. But Section 320 Cr.P.C. came in the way and learned Additional Chief Judicial Magistrate Fetehpur Shekhawati District Sikar vide order dated November 27, 2003 declined to recognise the settlement.

(2). It is well settled that while exercising inherent powers u/s 482 Cr.P.C., it is the duty of the court to encourage genuine settlements of matrimonial disputes. In B.S. Joshi and Ors. v. State of Haryana and Ors. (1), their Lordships of Supreme Court indicated thus:- (Para 14)

"There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent 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 hypertechnical

view would be counterproductive and would act against interest 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 the Indian Penal Code."

(3). I am satisfied that parties, in the instant matter, have genuinely settled their matrimonial dispute and intervention u/s 482 Cr.P.C. in the interest of justice appears necessary.

(4). For these reasons, I allow the instant petition and quash the proceedings of criminal case No. 98/2003 under Sections 498A, 494 and 120B IPC pending in the court of Additional Chief Judicial Magistrate Fetehtpur Shekhawati District Sikar.