
(2013) 08 MP CK 0300
In the Madhya Pradesh High Court
Case No : M.Cr.C. No. 9228 of 2013

Umaprasad Shrivas and Others

APPELLANT

Vs

State of Madhya Pradesh and Another

RESPONDENT

Date of Decision : 07-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498A, 498A

Citation : (2013) 08 MP CK 0300

Hon'ble Judges : Rakesh Saxena, J

Bench : Single Bench

Advocate : Ravindra Bisen, for the Appellant; Shahin Fatima, Panel Lawyer for the State, for the Respondent

Final Decision : Disposed Off

Judgement

Rakesh Saxena, J.—Applicant No. 4 husband Rajendra Kumar and respondent No. 2 wife Smt. Pallavi Shrivas are present in person. They have been identified by the learned counsel for the applicants. Applicants have filed this petition u/s 482 of the Code of Criminal Procedure for quashing of the proceedings of Criminal Case No. 1289/2009 registered against them on the complaint of respondent No. 2 Smt. Pallavi Shrivas u/s 498-A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. By judgment dated 18.6.2013, the aforesaid applicants have been convicted by Chief Judicial Magistrate, Mandla and sentenced to rigorous imprisonment for one year with fine of Rs. 100 u/s 498A IPC and rigorous imprisonment for 5 years with fine of Rs. 1000/- u/s 3/4 of the Dowry Prohibition Act.

2. Against the said judgment of conviction, applicants have filed Criminal Appeal No. 75/2013 in the Court of Sessions Judge, Mandla, which is pending.

3. Learned counsel for the applicants submits that applicants and the complainant/respondent Smt. Pallavi Shrivas have compounded the matter by

filing compromise in the Court of Chief Judicial Magistrate, Mandla, however, since the offence u/s 498A IPC and Section 3/4 of the Dowry Prohibition Act are not compoundable, the said application has been rejected by the trial court. The appeal against their conviction and sentence is pending in the Court of Sessions Judge, Mandla.

4. Today applicant Rajendra Kumar and his wife complainant Pallavi alongwith their child are present in the Court. They submit that they have amicably resolved their dispute since before filing of the application u/s 320 Cr.P.C. in the trial court. The said application was filed on 20.6.2012, but the same was dismissed as not maintainable. Both the parties submit that now there is no likelihood of any kind of dispute between them. Respondent Pallavi submits that now she wishes that applicants, who are her husband and relatives, be exonerated and be not sent to jail. She is living peacefully with her husband and other family members.

5. On questioning, it appears that applicant Rajendra Kumar and Pallavi have voluntarily compounded the matter and resolved their dispute peacefully.

6. Incase of B.S. Joshi and Others Vs. State of Haryana and Another, the Apex Court observed:

The object of introducing Chapter XX-A in IPC 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. A hypertechnical view would be counterproductive and would act against the 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. This is not the object of Chapter XX-A of IPC.

7. In view of the above, I am satisfied that compromise between both the parties is real and genuine and without any undue influence and coercion. In view of the fact that offences under sections 498-A I.P.C. and section 3/4 of Dowry Prohibition Act are not compoundable, the permission to compound the offence cannot be granted, but in view of the proposition laid down by the Apex Court, in the interest of parties to litigation, criminal proceedings of the case, can be quashed.

8. In view of the settlement between the parties, I deem it appropriate to invoke inherent powers u/s 482 of Cr.P.C. and to quash the criminal proceedings pending against the applicants. Accordingly, criminal proceedings in Criminal Case No. 1289/2009 whereby the applicants have been convicted by Chief Judicial Magistrate, Mandla and the proceedings in Criminal Appeal No. 75/2013 pending in the Court of Sessions Judge, Mandla are quashed. Consequentially, the conviction and sentence awarded to applicants also stand quashed. Petition disposed of.