

(2022) 11 JH CK 0055

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 3354 Of 2022

Vikas Saraowgi And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 25-11-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 341, 406, 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2022) 11 JH CK 0055

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sidhi Jalan, Ravi Prakash, Rishav Kumar

Final Decision : Allowed/Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Ms. Sidhi Jalan, learned counsel for the petitioners, Mr. Ravi Prakash, learned counsel for the State and Mr. Rishav Kumar, learned counsel for opposite party no.2.

2. This petition has been filed for quashing the entire criminal proceedings in connection with Dumka Town P.S. Case No.57 of 2022, for the offences registered under Sections 498-A, 341, 323 and 406 of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act, pending in the court of the learned Chief Judicial Magistrate, Dumka.

3. Ms. Sidhi Jalan, learned counsel for the petitioner submits that this matter is arising out of matrimonial dispute and with an intervention of family friends and well-wishers of the petitioner no.1 and opposite party no.2, now this matter has been settled and by way of settlement, it was agreed that the husband (petitioner no.1) will pay Rs.20 Lakhs to the wife (opposite party no.2) as one time full and final permanent alimony. She further submits that the petitioner no.1 has already paid Rs.20 Lakhs to opposite party no.2. She also submits that

in terms of the compromise, which is annexed at Annexure-2 of the petition, Original Suit No.144 of 2022 has been filed before the Family Court, Dumka and in paragraph 8 of the said plaint, this fact has been disclosed. She further submits that the statement of petitioner no.1 and opposite party no.2 has been recorded and the matter has been posted for judgment in the Family Court, Dumka.

4. Mr. Rishav Kumar, learned counsel for opposite party no.2 also accepts the submission of the learned counsel for the petitioner and submits that sum of Rs.20 Lakhs has already been received by opposite party no.2 and in view of further development, divorce case has already been filed and the statement of petitioner no.1 and opposite party no.2 has also been recorded. He further submits that opposite party no.2 does not want to proceed with the case.

5. Mr. Ravi Prakash, learned counsel for the State submits that it appears that compromise has been reached between the parties.

6. In view of the above facts and submissions of the learned counsel for the parties and considering that the matter is arising out of matrimonial dispute and both the parties have compromised the matter and divorce case has already been filed and also considering that opposite party no.2 has received sum of Rs.20 Lakhs, in terms of the compromise, there is no societal interest involved in the case and also considering the judgments passed by the Hon'ble Supreme Court in *Gian Singh v. State of Punjab & another*; [(2012) 10 SCC 303] and in *Narinder Singh & others v. State of Punjab & another*; [(2014) 6 SCC 466, the entire criminal proceedings in connection with Dumka Town P.S. Case No.57 of 2022, pending in the court of the learned Chief Judicial Magistrate, Dumka is, hereby, quashed.

7. Accordingly, this petition stands allowed and disposed of.