

Vimlesh Kumar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Apr-18-2013

Appellant : Vimlesh Kumar

Respondent : The State of Madhya Pradesh

Advocate for Def. : Shri. Anirudh Singh

Advocate for Pet/Ap. : Shri. K.P.Singh

Judgement :

M.

Cr.C.No.1285/13 18/04/13 Shri K.P.Singh, learned counsel for the applicants.

Shri Prakash Gupta, learned Panel Lawyer for respondent No.1.

Shri Anirudh Singh, learned counsel for respondent No.2.

Challenging the order dated 9/11/12 passed by the Judicial Magistrate FiRs.Class, Satna in Criminal Case No.1767/09 dismissing an application filed under Section 320 (2) of the Cr.P.C.

in the matter of compounding an offence Under Section 498-A of I.P.C.

r/w Section 3 /4 of the Dowry Prohibition Act, this application has been filed under Section 482 seeking quashment of the proceedings in view of the compromise

entered into between the parties.

Learned counsel for the applicants invites my attention to the principle laid down by the Supreme Court in various cases and followed by a Bench of this Court in the case of Bhavuk Sharma and others versus Anju Sharma (Smt.) and another, 2010 (1) M.P.H.T.499 and submits that in the light of the aforesaid principle even though an offence U/s 498-A is shown to be non-compoundable but in matrimonial matters an exception is drawn by the Supreme Court and in case, the dispute has been amicably settled between the parties, it is held that the matter can be compounded and the criminal proceedings quashed.

In the present case also, the husband and the wife have compromised the matter.

They have resolved all their disputes and are reported to be staying together and want to have a peaceful co-existence, they have compromised the matter in furtherance to this intention.

Keeping in view the aforesaid and the principles laid down in the judgment referred to and indicated in the case of Bhavuk Sharma (supra) , this application is allowed.

The compromise entered into between the parties is accepted and by allowing an application under Section 320 (2) of the Cr.P.C., proceedings in Criminal Case No.1767/09 pending in the Court of Judicial Magistrate FiRs.Class, Satna are quashed and the same is disposed of in the light of the compromise entered into between the parties.

With the aforesaid, application stands allowed and disposed of.

(Rajendra Menon) Judge Vy/-

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