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Court : Madhya Pradesh

Decided On : May-13-2014

Judge : Subhash Kakade

Appeal No. : Misc. Criminal Case No. 4714 of 2014

Appellant : Jitendra Singh and Others

Respondent : The State of Madhya Pradesh and Another

Judgement :

1. This petition under Section 482 Cr.P.C. has been filed by the petitioners for quashment of the FIR registered as Crime No.249/13 at Police Station- Mahila Thana, Bhopal for offence punishable under Sections 498-A, 294 and 506,34 and 294 of IPC and Sections 3/4 of Dowry Prohibition Act.

2. Petitioner no.1 is the husband of respondent no. 2, their marriage was performed on 14.12.2007 from Bhopal according to Hindu custom and other applicants are the in-laws of the respondent no.2.

3. Certain unfortunate incidents relating to matrimonial matters have dragged the parties to this Court. The incident took ugly turn which resulted in lodging of the aforesaid FIR by respondent no.2. Now, the parties have settled all their disputes and want to compromise the matter. Copy of the Marital Settlement Agreement (Annexure A/2) has also been filed, which was filed by the parties before the learned trial Court along with the petition of compromise. In view of the

compromise, I do not wish to narrate the facts of the case in detail.

4. As per the order of this Court willingness and consent of the parties have been recorded before Registrar (J-I). The applicants Jitendra, Kusum Singh, Ramnarayan Singh Gaur, Narendra Singh, Raveendra Singh, Kajal Pawar, Vandana Singh and Puja Singh are present in person before this Court also and are identified by their counsel Shri Akhileshwar Shrivastava. Respondent no.2 Smt. Avantika Singh along with daughter Anushka Singh also present in person and she is identified by her counsel Shri Kuldeep Singh. Both parties i.e. applicants and respondent no.2 mentioned above submit that they are ready and willing to resolve their disputes voluntarily and by free consent. They have expressed in clear unequivocal terms that they understand the Marital Settlement Agreement Annexure A-2 and are executing their part mentioned in the settlement. In the light of the aforesaid factual position it is apparent that the applicants and the respondent have entered into compromise voluntarily and without any fear, undue influence or pressure.

5. The question which now remains to be answered is whether since some of the offences alleged in the FIR are not compoundable, the FIR could be quashed.

6. It is apparent from perusal of FIR and other related documents that petitioners and respondent no.2 are well educated and respectable citizens. It is pertinent to mention here that dispute between the parties is of private nature and having no adverse effect to others.

7. The Apex Court in the case of Gian Singh vs. State of Punjab and another 2012 AIR SCW 5333 considered the relevant provisions of the Code and concluded as under :-

The position that emerges from the above discussion can be summarised thus:

the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be

exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative,the High Court shall be well within its jurisdiction to quash the criminal proceeding .

8. Reference in this regard may be made to the decisions of Apex Court in Ram Lal and another vs. State of J and K (1999) 2 SCC 213 , Ishwar Singh vs. State of M.P. (2008) 15 SCC 667 and recently ruled by the Apex court in the case of Pappu and others Vs. Radhika and Anr. (2012 Cr.L.R (S.C.) 69).

9. Since the parties had buried the hatchet by amicably settling their disputes, this Court could allow the matter to be compounded. In the totality of the circumstances, I am of the view that the settlement arrived at between the parties in form of Marital Settlement Agreement (Annexure A/2) is a sensible step that will benefit the parties, give quietus to the controversy and rehabilitate and normalize the relationship between them. In light of compromise between the parties for offences related to matrimonial disputes chances of recording of conviction against the petitioners are totally bleak and the entire exercise of trial is destined to be exercise of futility. The continuation of criminal proceedings would tantamount to abuse of process of law.

10. In the above facts and circumstances of the case the answer of question giving in affirmative and resultantly the FIR registered as Crime No.249/2013 dated 18.12.2013 registered at Mahila Thana, Bhopal under Sections 498-A,506,34,294 of IPC and Section 3/4 of Dowry Prohibition Act and all consequential proceedings arising from it are hereby quashed. The petitioners are acquitted of the offences punishable under Sections 498-A, 294 and 506,34 and 294 of IPC and Sections 3/4 of Dowry Prohibition Act. Their bail bonds and surety bonds stand discharged.

The petition is allowed and disposed of accordingly.

Order accordingly.

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