

Ram Niranjana Singh Vs. State of Jharkhand

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Court : Jharkhand

Decided On : Dec-08-2015

Appellant : Ram Niranjana Singh

Respondent : State of Jharkhand

Advocate for Pet/Ap. : Mrs. Jasvinder Mazumdar

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr.M.P.No.- 2096 of 2012 1. Ram Niranjana Singh, Son of Late Deo Sharan Singh 2. Shakuntala Devi, wife of Sri Ram Niranjana Singh 3. Ravi Ranjan Kumar, son of Sri Ram Niranjana Saingh All are residents of Allahbakshpur, Arfabad Road, Gulzarbag, Patna (Bihar) 4. Sashi Ranjan Kumar, son of Sri Ram Niranjana Singh, permanent resident of Allahbakshpur, Arfabad Road, Gulzarbag, Patna, presently residing at Sadh Nagar, Palam Colony, PO & PS Palam Gaon, New Delhi . . Petitioners --Versus- 1. State of Jharkhand 2. Smt. Neelam Kanak, wife of Vishwa Ranjan Kumar and daughter of Radheshyam Kanak, resident of Dhawan Nagar, Kanke Road, Ranchi . . Opposite Parties CORAM: HONBLE MR. JUSTICE RAVI NATH VERMA For the petitioners: M/s. Jasvinder Mazumdar & Vikash Kumar, Advocates For the State : Mr. Dilip Kumar Chakraverty, A.P.P. For the O.P. no.2 : Mr. Hitesh Mahto, Advocate ----- C.A.V. on 02.12.2015 PRONOUNCED on 08/12/2015 Invoking the inherent power of this Court under Section 482 of the Code of Criminal Procedure (in short the Code), the petitioners have prayed for quashing of the entire criminal proceeding including the order dated 18.12.2010/20.12.2010

passed by learned Judicial Magistrate, Ranchi in Complaint Case No.- 212 of 2010 whereby and whereunder the court below finding the prima face case under Section 498-A of the Indian Penal Code took cognizance of offence and directed to issue summons to the petitioners to face trial.

2. The details of the facts is not required to be reproduced herein rather a brief statement of fact would be sufficient to adjudicate the issue involved in this case:

2. At the instance of the complainant Smt. Neelam Kanak, the aforesaid complaint case was filed with the allegation that her marriage was solemnized with Vishwa Ranjan Kumar on 27.04.2008 and in the said marriage, gold ornaments and other articles were given to the family of her husband besides the marriage expenses, but when on the date of marriage, the petitioners and her husband had expressed their dissatisfaction with regard to the cash and other articles given to them towards gifts and marriage expenses and demanded another sum of Rs. Three Lakhs, her father anyhow arranged a sum of Rs.1,00,000/- and paid to them and assured to pay the rest amount later on. Thereafter, she came to her matrimonial house at Patna but during her stay, the accused persons used to pass comments. On 01.05.2008, she along with her husband came to her fathers house at Ranchi and explained everything to her parents. Even after persuasion to her husband, she was subjected to cruelty due to non-fulfillment of the balance amount. She came back to her in-laws house where she lived for 3-4 days and thereafter went to Bangalore with her husband. Before leaving for Bangalore, on repeated demands by in-laws, she handed over all her ornaments and other valuables to them but at Bangalore also, she was harassed and subjected to cruelty in various manner and the petitioners were interfering in her day-to-day life. Even she was kicked out and kept outside of the residence during night and in the last week of September, 2008, she was taken back to Ranchi by Ravi Ranjan Kumar who informed her parents that she would not be allowed to live in her matrimonial house so long the rest amount is not paid. She always tried to resolve the dispute but the petitioners and her husband did not pay any heed to her request. On 22.12.2008, her parents paid Rs.50,000/- to her husband at Ranchi only thereafter he became ready to take her back. On 25.12.2008, she went back to her matrimonial house and stayed for about a week and, thereafter, went to Bangalore

but there she was mercilessly beaten by her husband. Again her father deposited Rs.20,000/- in her account on 13.01.2009 but her husband refused to accept the amount in piecemeal and on 16.04.2009, she was again assaulted by her husband causing injury in her ear and even her husband tried to kill her by putting LPG Cylinder in open position in her bedroom but she anyhow sensed the foul smell and could save her. On 27.04.2009, she came back to Ranchi, thereafter, filed the present case.

3. After the statement of complainant on solemn affirmation, other witnesses were examined under Section 202 of the Code, whereafter the court below finding prima facie case and sufficiency of materials took cognizance of the offence and directed to issue summons to the petitioners and other accused persons to face trial. Hence this petition.

4. During pendency of this Case, a joint compromise petition by way of interlocutory application bearing no. 3974 of 2005 was filed on 21.07.2015 with the prayer that parties have settled their dispute outside the Court with the intervention of well-wishers and relatives and the opposite party no.2/complainant now does not want to proceed with the complaint case and the parties have no grievance with each other and that they have settled their dispute amicably without any coercion and threat. As such, their prayer is to grant permission to compound the offence and entire criminal proceeding may be quashed.

5. It appears from the record that vide order dated 15.07.2013, notice was issued to the opposite party no.2/the complainant and in pursuance to that, she appeared in this case and thereafter filed the joint compromise petition.

6. Mrs. Jasvinder Mazumdar learned counsel for the petitioners submitted that since both the parties have settled their dispute outside the Court and have filed a joint compromise petition, in view of the ratio decided in B.S.Joshi and others Vs. State of Haryana and another; (2003) 4 SCC675 and Gian Singh Vs. State of Punjab and another; (2012) 10 SCC303 the parties may be allowed to compound the offence. It was also submitted that in the changed 4 circumstances, if the proceeding in the trial court is allowed to continue, in such eventuality, there would be almost no chance of conviction and it would be a sheer wastage of the courts

valuable time.

7. Learned counsel Mr. Mahato representing the opposite party no. 2 also fairly submitted that the parties have settled their disputes and have filed a joint compromise petition, so in the interest of justice and to save the family, parties be allowed to compound the offence and the entire proceeding and order taking cognizance against the petitioners and other accused persons may be quashed.

8. After the above submissions of the counsels, opposite party no.2 was directed to be physically present in Court and in pursuance to that, the complainant/opposite party no.2 appeared before the Court and on enquiry, she admitted the factum of compromise and also informed the Court that now she has no grievance against the petitioners, her husband or any other accused. She also prayed that she has no objection if the entire criminal proceeding including the order taking cognizance are quashed.

9. In B.S. Joshi & Ors.(supra), the Honble Supreme Court while considering a similar situation arising out of a case instituted under Section 498-A of the Indian Penal Code held in paragraph- 14 as follows:-

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 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. That is not the object of Chapter XX-A of the Indian Penal Code. Section 320 of the Code sets out the details of offences in different tables, which are compoundable by the parties and those, which are compoundable with the leave of the court. It is no doubt that Section 498A of the Indian Penal Code is not included in the 5 above list of Section 320 of the Code but in view of the ratio decidendi in the above B.S. Joshi (supra), it becomes the duty of the court to encourage the genuine settlement of matrimonial disputes. In

another case *Gian Singh Vs. State of Punjab* (supra), the Honble Supreme Court in paragraph 51 held as follows:-

51. Section 320 of the Code articulates public policy with regard to the compounding of offences. It catalogues the offences punishable under IPC which may be compounded by the parties without permission of the court and the composition of certain offences with the permission of the court. The offences punishable under the special statutes are not covered by Section 320. When an offence is compoundable under Section 320, abatement of such offence or an attempt to commit such offence or where the accused is liable under Section 34 or 149 IPC can also be compounded in the same manner. A person who is under 18 years of age or is an idiot or a lunatic is not competent to contract compounding of offence but the same can be done on his behalf with the permission of the court. If a person is otherwise competent to compound an offence is dead, his legal representatives may also compound the offence with the permission of the court. Where the accused has been committed for trial or he has been convicted and the appeal is pending, composition can only be done with the leave of the court to which he has been committed or with the leave of the appeal court, as the case may be. The Revisional Court is also competent to allow any person to compound any offence who is competent to compound. The consequence of the composition of an offence is acquittal of the accused. Sub-section (9) of Section 320 mandates that no offence shall be compounded except as provided by this section. Obviously, in view thereof the composition of an offence has to be in accord with Section 320 and in no other manner. 10. In the above referred cases, the Honble Supreme Court has allowed the parties to compound the offences deciding the ratio that when the parties have settled all the disputes between them amicably irrespective of the fact that such offences have not been made compoundable, the High Court within the frame work of its inherent power has every jurisdiction to quash the criminal proceeding and the F.I.R. The opposite party no. 2 has clearly averred in the joint compromise petition that she has now no grievance against these petitioners and she does not want to continue with the proceeding of this case. Thus, in the facts and circumstances, the parties are allowed to compound the offences.

11. Hence, in the light of the ratio decided by the Honble Supreme Court in the above referred two cases, the entire criminal proceeding including the order taking cognizance dated 6 18.12.2010/20.12.2010 passed by learned Judicial Magistrate, Ranchi in Complaint Case No.- 212 of 2010 are, hereby, quashed.

12. Accordingly, this Criminal Miscellaneous Petition is, hereby, allowed. (R.N. Verma, J.) Jharkhand High Court, Ranchi Dated, 8th December, 2015
Ritesh/N.A.F.R.

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