

Jatinderpal Singh Vs. State

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Court : Delhi

Decided On : Sep-15-1988

Reported in : 1988(3)Crimes694; 1988RLR635

Judge : Malik Sharief-ud-Din, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 498A

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 551 of 1988

Appellant : Jatinderpal Singh

Respondent : State

Advocate for Pet/Ap. : J.L. Bhanot and; K.K. Bakshi, Advs

Judgement :

Malik Sharief-Ud-Din, J.

(1) The petitioner has moved this petition u/s 482 Cr. P.C. praying that a complaint u/s 498-A/406 Indian Penal Code filed on police report before the court of Miss Asha Menon, M.M., Delhi, be quashed.

(2) The main ground takes is that reconciliation has since taken place between the couple who are having a three year old child to be looked after and that since there has been a reconciliation pendency of this proceedings is seriously going to erode

the matrimonial harmony of the couple and may in the process their matrimonial life.

(3) An application was moved by the wife who, in fact, was the real aggrieved party before the learned M.M. for withdrawal of the complaint but the M.M. declined to accede to the request on the ground that the prayer was not maintainable in view of the provisions of law and since the complaint has been filed on a police report it can only be withdrawn by the P.P. It seems that the court below did agree with the contention that there was no further need for the complaint to be processed but it felt helpless in granting any relief particularly in the absence of any inherent powers being vested in the court below.

(4) Normally in such circumstances, the State should have taken prompt action in withdrawing the case as otherwise it would adversely affect the matrimonial life of the parties. Mr. Bhanot states that he did approach the Administration but it is insensitive.

(5) In the circumstances of this case, I am of the view that even though a complaint has been filed on the police report and is not compoundable, the interest of justice requires that it need not proceed any further. In a case of this nature, the interest of justice will be served better by ensuring a harmonious matrimonial life of the couple and no useful purpose will be served by going ahead with the prosecution. It is in such a situation that S. 482 Cr. P.C. can be invoked as it has conferred enough inherent powers on this court to do justice notwithstanding anything in the Cr. P.C. In the light of these observations the challan F.I.R. 63/86 u/s 498-A/406 Indian Penal Code police station Rajouri Garden pending in the court of Miss Asha Menon, M.M. Delhi is quashed. The petition is accordingly allowed.