

Rameshwar @ Pappu and ors. Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Jan-22-2001

Reported in : 2001CriLJ1962; II(2001)DMC313; 2001(2)WLC204;
2001(1)WLN388

Judge : Sunil Kumar Garg, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 498-A; [Code of Criminal Procedure \(CrPC\), 1973](#) - Sections 320 and 482

Appeal No. : S.B. Criminal Misc. Petition No. 30 of 2001

Appellant : Rameshwar @ Pappu and ors.

Respondent : State of Rajasthan and ors.

Advocate for Def. : R.R. Chhaparwal, Public Prosecutor

Advocate for Pet/Ap. : Usman Gani, Adv.

Judgement :

ORDER

Garg, J.

(1). This criminal misc. petition has been filed by the accused petitioners u/S.482 Cr.P.C. against the order dt. 16.5.2000 passed by the learned Addl. Sessions

Judge No. 2, Bhilwara in Criminal Appeal No. 287/96 whereby the learned Additional Sessions Judge No. 2 rejected the application of the accused petitioners and non-petitioner no. 2 filed in the Court to compound the offence u/S. 498A IPC.

(2). It arises in the following circumstances:-

The accused petitioners were convicted by the trial court for the offence u/S. 498A IPC by judgment and order dated 4.2.1994 and each of them was sentenced to undergo six months RI and to pay fine of Rs. 500/-, in default of payment of fine, to further undergo three months RI. Against that judgment and order, an appeal was filed by the accused petitioners which was being heard by the learned Additional Sessions Judge No. 2, Bhilwara. During the pendency of the appeal, both accused petitioners and the complainant-non-petitioner No. 2 filed an application for permitting the parties for compromise but the same was rejected by the learned Additional Sessions Judge No. 2, Bhilwara vide order dated 16.5.2000 holding that Section 498A IPC is not compound-able and against that order, this petition u/S. 482 Cr.P.C. has been filed.

(3). This Court in Ram Kishore vs. The State of Rajasthan and Ors. (1) has held that it is proper to accord permission to compound offence u/S. 498A IPC. Similar view is taken by the Hon'ble Andhra Pradesh High Court in Thathapadi Venkatalakshmi vs. State of Andhra Pradesh (2). This Court in a latest decision in Ghanshyam Saini vs. State of Rajasthan and anr. (3) has further reiterated the same view.

(4). Keeping in mind the law laid down in the above rulings and keeping in mind that the basic object of any matrimonial law is to facilitate a happy and harmonious matrimonial life between the spouses though under different circumstances they approached the court the permission sought for to compound the offence u/S. 498A IPC pursuant upon the settlement and understanding between the spouses to amicably live together with harmony should be accorded by this Court u/S. 482 Cr.P.C.

(5). Therefore, in view of the larger interest of the parties and to secure ends of justice, this criminal misc., petition u/S. 482 Cr.P.C. is allowed straightway and the impugned order of the learned Additional Sessions Judge No. 2, Bhilwara dated 16.5.2000 is set aside and the learned Additional Sessions Judge No. 2, Bhilwara is directed to accord permission to compound the offence u/S. 198A IPC in terms of the application presented before the court. The parties are directed to appear before the learned Additional Sessions Judge No. 2, Bhilwara on 3.3.2001.

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