

**Rajeshwari Vs. Devanand and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/766630](http://sooperkanoon.com/766630)

**Court :** Rajasthan

**Decided On :** Mar-05-1997

**Reported in :** 1997(2)WLC364; 1997(1)WLN277

**Judge :** M.A.A. Khan, J.

**Appeal No. :** S.B. Criminal Misc. Petition No. 122 of 1997

**Appellant :** Rajeshwari

**Respondent :** Devanand and ors.

**Judgement :**

**M.A.A. Khan, J.**

1. Heard.

2. Even when the list was revised none appeared for and on behalf of the petitioner. Examined the validity and correctness of the impugned order.

3. By the impugned order the learned Magistrate has declined to permit the parties to file a compromise in respect of the offences Under Section 406 & 498A I.P.C., presumably on the ground that offence Under Section 498A is a non-compoundable offence. For that reason he appears not to have agreed to grant permission to the parties to compound the offence Under Section 406 I.P.C. as well.

4. It is true that the offence Under Section 498A is a non-compoundable offence. In that view of the matter, that part of the impugned order may be said to be in conformity with the provisions of the Code.

5. However, it is noticed by this Court that the dispute related between a wife & her husband. Matrimonial disputes are required to be looked at obviously from a different angle particularly keeping in view the social and cultural conditions prevailing in our society. Provisions contained in our matrimonial enactments require, the concerned courts to try to bring the unwilling parties to the matrimonial relationship together by making every sort of efforts. It may further be kept in mind that the concept of divorce and separation is alien to the social and religious philosophy of the parties in the present case. In that view of the matter, when it is found that a family dispute may take the parties to a point when a matrimonial relationship may be broken or is likely to be broken, the dispute should be tried to be settled down and the relationship kept intact by relaxing the provisions of the Code. Section 482 Cr. P.C. confers ample powers open this Court not only to prevent the abuse of the process of the court but also to secure the ends of the justice. In the case of a matrimonial dispute the ends of justice would be met if the matrimonial fibre between spouses be kept intact.

6. In the above sense of matter, the lower court is directed to permit the parties to compound offence Under Section 406, 81, 498A I.P.C., to verify the compromise, if presented by them, and to bring to an end this unhappy litigation.

7. The petition is disposed of accordingly.