

Manoj Kumar and ors. Vs. State of Rajasthan

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SooperKanoon Citation : sooperkanoon.com/767457

Court : Rajasthan

Decided On : Apr-09-2007

Reported in : I(2008)DMC147

Judge : Dalip Singh, J.

Appellant : Manoj Kumar and ors.

Respondent : State of Rajasthan

Judgement :

Dalip Singh, J.

1. This petition has been filed by the petitioners along with an application for earlier listing of the case on the ground that the matter has been compromised between the parties and in that behalf a copy of the compromise application (Annexure 1) dated 9.6.2004 which was filed before the learned trial Court has been filed before the Court.

2. In the said compromise application (Annexure 1) dated 9.6.2004, the fact of compromise has been admitted by the parties and according to which the husband and the wife namely Manoj Kumar, the petitioner No. 1 and Smt. Naresh, the petitioner No. 3 have resolved their disputes on account of which they have submitted an application under Section 13B of the Hindu Marriage Act and have obtained a decree for dissolution of marriage dated 17.5.2006. It has been

mentioned in the said application that wife Smt. Naresh has taken possession of all her Stridhan and nothing remains to be recovered from the petitioner-husband. It has also been mentioned that an amount of Rs. 3,25,000 has been paid as a permanent alimony to Smt. Naresh which she has received.

3. In these circumstances, it was mentioned that wife, petitioner No. 3 does not want to proceed against the husband, the petitioner No. 1 in the instant case under Section 498A and IPC.

4. Since, the above application could not be entertained, in view of the provisions of Section 320, Cr.P.C. on account of the fact that the provisions of Sections 498 and 406, IPC were not applicable, the petitioners have moved this petition under Section 482, Cr.P.C.

5. Heard learned Counsel for the petitioners and the learned Public Prosecutor.

6. Learned Counsel for the petitioner submits that keeping in view the spirit of the decision of the Hon'ble Supreme Court in the case of B.S. Joshi and Ors. v. State of Haryana and Anr. reported in : 2003 CriLJ2028 , and in the interest of justice, the parties may be permitted to compound the matter and the impugned order dated 25.7.2006 may be ordered to be quashed and the proceedings quashed.

Learned Public Prosecutor does not dispute the above facts.

7. In the facts and circumstances, I deem it just and proper to allow this petition and permit the parties to compound the matter. The said permission, in the facts and circumstances, is granted with a view to secure the ends of justice and to prevent the abuse of process of Court.

8. Consequently, this petition is disposed of, as above. The proceedings in the Criminal Case No. 774/2001 pending before the learned Judicial Magistrate, Pilani, District Jhunjhnu is quashed and the said criminal case is consigned to the record.