
Vivek Mital Vs State Of Rajasthan And Ors

Criminal Miscellaneous (Petition) No. 1941 Of 2020

Court: Rajasthan High Court

Date of Decision: Aug. 5, 2020

Acts Referred:

Indian Penal Code, 1860 – Section 377, 406, 498A

Hon'ble Judges: Manoj Kumar Garg, J

Bench: Single Bench

Advocate: Atul Kumar Dobhal, Mukesh Trivedi

Final Decision: Allowed

Judgement

This instant criminal petition has been filed against the order dated 28.02.2018 passed by the learned Civil Judge & Judicial Magistrate, Jodhpur

District Jodhpur, whereby the learned Judge has attested compromise application only for offence under Section 406 IPC and acquitted him from this

offence but refused to attest the compromise application due to the offence under Sections 498-A and 377 IPC being not compoundable despite the

fact that the parties have entered into compromise.

Both the petitioner and respondent No.2 filed a joint application before the learned trial Court and the learned trial Court verify the compromise for the

offence under Section 406 IPC only, but the trial Court has not verify the compromise for the offence under Sections 377 and 498-A IPC, therefore,

the criminal proceedings for offence under Sections 498-A and 377 IPC may be quashed.

Counsel for the petitioner submits through Video Call that the petitioner and respondent No.2/complainant are husband and wife. They have entered

into a compromise in the spirit of Lok Adalat.

Having considered the facts and circumstances of the case, since the petitioner and complainant have arrived at compromise and settled their dispute

and presently they are living together happily as husband and wife and in the view of the law laid down by the Hon'ble Apex court in the case of B.S.

Joshi Vs. State of Haryana, reported in 2003 (4) SCC p.675 in which it has been held that the proceedings under Section 498A IPC can be quashed

because it is the matrimonial matter, the criminal proceedings for offence under Section 498-A are liable to be quashed.

Accordingly, the present misc. petition is allowed and the criminal proceedings pending before the learned Civil Judge & Judicial Magistrate Jodhpur,

District Jodhpur in criminal case No.376/2017 (old case No.53/2015) are quashed on the basis of aforesaid compromise.

Stay petition also decided accordingly.