

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21693 of 2014

Arising Out of PS.Case No. -3088 Year- 2011 Thana -SARAN COMPLAINT CASE District-
SARAN

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Pratima Devi @ Pratima Gupta, W/o Shri Baijnath Prasad Gupta R/o
Mohalla Purani Bazar (Gupta Alankar Bhawan), P.S. Nagar Muzaffarpur,
District- Muzaffarpur.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the State : Mr. Anant Kumar (App)

For the opposite party No. 2: Mr. Dineshwar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

7 19-07-2017

The complaint case in question has been lodged by the son-in-law of the petitioner alleging that she along with some persons has taken away his wife (daughter of the accused) and that she has been constantly interfering with the matrimonial life of the complainant.

Counsel for the petitioner submits that instant case has been lodged as a counter blast since earlier a criminal case had been lodged by the complainant's wife (daughter of the accused) for the offences under Section 498-A and other sections of the Indian Penal Code. He further submits that one maintenance suit was also filed against the instant complainant by his wife.



All these appear to be matters of the past and the matter is said to have been settled between the parties and in support thereof a petition has been filed in the Court of Chief Judicial Magistrate, Saran. The same is placed on record by way of supplementary affidavit and reveals the compromise between the parties.

Counsel for the opposite party is also present and does not dispute the situation.

In view of the aforesaid circumstances, continuance of the criminal proceedings between the parties will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end so as to restore peace between the parties which would serve the ends of justice.

In this connection, counsel for the petitioner is relying on a judgment of the Supreme Court in ***Gyan Singh Vs State of Punjab*** reported in (2012) 10 SCC 303 more specifically paragraph 58 thereof, which reads as under :

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.



No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens well-being of the society and it is not safe to leave the crime- doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under [IPC](#) or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.”

Having considered the aforesaid submission and in view of compromise arrived at between the parties, the entire



proceedings arising out of complaint case No. 3088 of 2011 in
the Court of learned Chief Judicial Magistrate, Saran are
quashed. The petition is allowed.

(Madhuresh Prasad, J)

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