

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 481 of 2010**

- Dinesh Kumar S/o late Laxman Prasad Dubey, aged about 29 years, R/o Shiv Chowk, Gangrel, Tehsil & District Dhamtari (C.G.)

----Applicant**Versus**

- State of Chhattisgarh Through : District Magistrate, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	None.
For Respondent/State	:	Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/08/2019**

01. This criminal revision is directed against the order dated 07.09.2010 passed by Additional Sessions Judge (FTC), District Dhamtari, in Criminal Appeal No.29/2010, whereby the judgment and order dated 22.04.2010 passed by Judicial Magistrate First Class, Dhamtari, District Dhamtari in Criminal Case No.212/2008 convicting the accused/applicant of the charge under Section 498-A IPC and sentencing him to undergo R.I. for 6 months with fine of Rs.1,000/-, plus default stipulation respectively, has been confirmed by the appellate Court.

03. The applicant and complainant Heena Dubey are the husband and wife. They have entered into a compromise. The copy of compromise has been produced before this Court, therefore, it is prayed that the order dated 07.09.2010 may be set aside and the

offence under Section 498A IPC may be compounded.

04. I have perused the judgment impugned and the record of the case as also compromise deed dated 13.12.2010.

05. Learned State counsel/respondent has admitted that the parties have already entered into compromise and complainant/wife - Heena Dubey does not want to press the charges levelled against the applicant in relation to offences punishable under Section 498A IPC.

06. Having considered the facts and circumstances of the case, since the applicant and complainant have arrived at compromise and settled their dispute and in 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 675** in which it has been held that the proceedings under Section 498A IPC can be quashed because it is the matrimonial matter, the order dated 07.09.2010 is liable to be set aside.

07. Accordingly, the criminal revision is allowed. The impugned judgment of conviction and order of sentence dated 07.09.2010 passed by the Additional Sessions Judge (FTC), Dhamtari, in Criminal Appeal No.29/2010 is set aside and the accused/applicant stands acquitted from the offence punishable under Section 498A IPC.

Sd/-
(Rajani Dubey)
JUDGE