

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 382 of 2013**

1. Bhagwan Singh Parihar S/o Prem Singh Parihar, aged about 48 years,
2. Smt. Beena Singh W/o Bhagwan Singh Parihar, aged about 40 years,
3. Dhaneshwar Singh Parihar S/o Bhagwan Singh Parihar, aged about 22 years,
4. Smt. Shikha Rajput W/o Rahul @ Balmukund Rajput, aged about 19 years,

All R/o Quarter No. S-5, Worker Colony, Century Cement Colony Baikunth, Police Station Newra, District Raipur (C.G.), Civil & Revenue District Raipur (C.G.).

---- Applicants

Versus

1. State of Chhattisgarh through Police Station Newra, District Raipur (C.G.).
2. Smt. Amrita Singh W/o Dhaneshwar Singh Parihar D/o Ramakant Singh Thakur R/o Jamna Chowk, Chhuikhadan, District Rajnandgaon (C.G.), Civil & Revenue District Rajnandgaon (C.G.) (Non-Applicant No.2 made party in this revision because she has filed appeal against before ADJ)

---- Respondents

For Applicants	:	Mr. A.P. Sharma, Advocate
For Respondent No.1	:	Mr. V.K. Agrawal, PL
For Respondent No.2	:	Mr. Abhishek Sharma, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/06/2019

1. With the consent of both the parties, the matter is heard finally along with I.A. No. 01/2016, application under Section 320 (6) of the Criminal Procedure Code.
2. Respondent No. 2, Amrita Singh is wife of Applicant No. 3, Dharmesh Singh. Applicant No. 1, Bhagwan Singh and Applicant No. 2 Smt.

Beena Singh are respective father-in-law and mother-in-law of Respondent No. 2. Applicant No. 4, Sikha Raj is sister-in-law of Respondent No. 2. The marriage between Respondent No. 2 and Applicant No. 3 was solemnized on 24/04/2009. It is alleged that after the marriage the Applicants had demanded Rs. 3 lakhs from Respondent No. 2 as dowry and when she was unable to fulfill their demand, they beaten her and not provided food. On 04/04/2011, the parents of Respondent No. 2 came with police and took Respondent No. 2 with them. The matter was reported and offence has been registered. After investigation, a charge-sheet has been filed before the Trial Court.

3. After trial, the learned Judicial Magistrate First Class, Tilda vide judgment dated 14/05/2012 acquitted all the Applicants for the offence punishable under Section 498-A/34 of the IPC. Against the said judgment, an appeal has been preferred by Respondent No.2. Vide impugned judgment dated 22/05/2013 passed in Criminal Appeal No. 161/2012, the learned Second Additional Sessions Judge, Raipur allowed the appeal filed by Respondent No.2 and convicted all the Applicants for offence punishable under Section 498-A/34 of the IPC and sentenced them RI for 2 years with fine of Rs. 500/- each with default stipulations. Thus, this revision.
4. During pendency of the instant revision, all the Applicants and Respondent No. 2 have submitted a joint application under Section 320 (6) of the Cr.P.C with a prayer to grant permission to compound the offence as both the parties have settled their dispute amicably.

They also prayed to quash the judgment of conviction and sentence passed by the Appellate Court.

5. In order to support contention of I.A. No. 01/2016, the Complainant i.e. Respondent No. 2 and the Applicants recorded their statement before the Additional Registrar (Judicial) of this High Court, wherein the Applicants and the Complainant on oath stated that both the parties have settled their dispute amicably and now the Complainant i.e. Respondent No. 2 does not want to take any action against the Applicants.
6. It is submitted by the counsel for both the parties that though this criminal Revision is filed under Section 397/401 of the Cr.P.C, inherent jurisdiction of the Court can very well be invoked in any of the relevant criminal proceeding under the authority of Section 482 of the Cr.P.C and looking to the fact that though Section 498 (A) is a non-compoundable penal offence, looking to the pronouncement of Hon'ble Apex Court and this High Court, the proceedings may be quashed and the provision of the Code does not limit or affect the power of this Court.
7. Learned counsel for the Applicants relied upon the decision of Hon'ble Apex Court passed in ***B.S. Joshi and Others Vs. State of Haryana and Another (2003) 4 SCC 675***, wherein it is held in para 14 & 15 as under:-

"14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent torture to a woman by her husband or

by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the needs of justice would prevent women from settling earlier. This is not the object of Chapter XXA of the Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent power can quash criminal proceedings of FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

8. He further relied upon the decision passed by this Court in the matter of **Shiv Kumar Vs. State of Chhattisgarh, 2016 (3) CGLJ**, wherein it is held in para 11 & 12 as under:-

“11. On due consideration, looking to the entire facts placed before this Court and also in light of the above cited judgments of Hon'ble Apex Court and also Co-ordinate Bench of this Court, this Court is of the view that since powers under Section 320 of the Code do not limit or affect the powers under Section 482 of the Code, since both the parties entered into compromise and looking to the very nature of this dispute in a matrimonial matter, it would be appropriate to allow the instant criminal revision and quash the judgment of conviction and sentence passed by the concerned Court affirmed by the concerned Appellate Court by invoking the inherent jurisdiction of this Court.

12. Consequently, the instant criminal revision as well as

the said interim application are hereby allowed and disposed of. Amicable settlement and compromise between the parties are accepted and in light of the said compromise, inherent jurisdiction of this Court, the Applicant is acquitted from the offence under Section 498 (A) of the IPC as he was held convicted and sentenced by the trial Court and the same was affirmed by the Appellate Court. The instant acquittal is given effect to under the relevant provision of Section 320 (8) of the Code. The Applicant is on bail. He be set at liberty forthwith. His bail bond shall continue for a further period of six months in view of provision of Section 437-A of the Code. The fine sentence, if deposited, shall be refunded to the applicant without any delay."

9. For the purpose of appreciation regarding arguments advanced in this behalf, the instant criminal revision, annexed documents, cited case law are perused.
10. On scrutiny, it goes to show that the Applicants are convicted for offence under Section 498-A of the IPC. Both the parties i.e. Respondent No. 2 and the Applicants filed an application to permit for compromise. Both the parties, on oath supported the contents of interim application and submitted both have entered into compromise voluntarily without any pressure or fear and pray that the petition may be allowed.
11. Looking to the entire facts placed before this Court and also in light of above cited judgment of Hon'ble Apex Court and also co-ordinate bench of this Court, this Court is of the view that since powers under Section 320 of the Code do not limit or affect the powers under Section

482 of the Code, since both the parties entered into compromise and looking to the very nature of this dispute in a matrimonial matter, it would be appropriate to allow the instant criminal revision and quash the judgment of conviction and sentence passed by the concerned Court affirmed by the concerned Appellate Court by invoking the inherent jurisdiction of this Court.

12. Consequently, the instant criminal revision as well as the said interim application are hereby allowed and disposed of. Amicable settlement and compromise between the parties are accepted and in light of the said compromise, inherent jurisdiction of this Court, the Applicant is acquitted from the offence under Section 498 (A) of the IPC as he was held convicted and sentenced by the trial Court and the same was affirmed by the Appellate Court. The instant acquittal is given effect to under the relevant provision of Section 320 (8) of the Code. The Applicant is on bail. He be set at liberty forthwith. His bail bond shall continue for a further period of six months in view of provision of Section 437-A of the Code. The fine sentence, *if deposited*, shall be refunded to the applicant without any delay
13. Accordingly, the revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge