HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 4208/2020

Ramesh Lekwani S/o Lt. Radha Kishan, Aged About 50 Years, R/o 18/443, Chopasani Housing Board, Jodhpur (Raj.).

----Petitioner

Versus

1. State, Through Pp
2. Smt. Jamna Lekwani W/o Ramesh Lekwani, D/o Sh. Daulat Ji, R/o 8/293, 5Th Pulia, Chopasani Housing Board, Jodhpur (Raj.).

----Respondents

For Petitioner(s)	:	Mr. Ratish Bhatnagar, Adv. through VC
For Respondent(s)	:	Ms. Rajlaxmi Singh Choudhary, PP Mr. R.P. Saraswat, Adv. through VC

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment / Order

16/12/2020

This instant criminal petition has been filed by the petitioner against the order dated 05.12.2020 passed by learned Metropolitan Magistrate No.5, Jodhpur Metro whereby the learned trial court has rejected the application for compromise filed by both the parties in the criminal case pending against the petitioner for offence under Section 498-A IPC being non-compoundable.

Counsel for the parties submit that the petitioner and respondent No.2/complainant are husband and wife. They have entered into a compromise in the spirit of Lok Adalat, therefore, it is prayed that the criminal proceedings for offence under Section 498A IPC may also be quashed on the basis of compromise.

Having considered the facts and circumstances of the case, since the petitioner and complainant have arrived at compromise and settled their dispute 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 498-A 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 order dated 05.12.2020 passed by the trial court rejecting the application for compromise is hereby quashed and the criminal proceedings in Criminal Case No.15/2013 pending before the learned Metropolitan Magistrate No.5, Jodhpur Metro qua the petitioner for offence under Section 498A IPC are quashed on the basis of compromise arrived at between the parties.

Stay petition is also decided accordingly.

(MANOJ KUMAR GARG),J

101-MS/-

RAJASTHAN HIGH COURT
सत्यमेव जयते