IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.722 of 2018

1. Md. Irsad Alam, aged about 40 years, son of late Mahboob Alam
2. Hafij Jan Bibi @ Hafizan Bibi, aged about 70 years, W/o Late Mahboob Alam
   Resident of village Sanda Sandi, P.O. & P.S. Kutamba, District – Aurangabad, Bihar
   (Name of Petitioner No.2 is deleted vide order dated 17.05.2024)

… Petitioner

Versus

1. The State of Jharkhand
2. Sobri Tabasoom, W/o Md. Irshad Alam, D/o Md. Asfaque Alam, r/o Azad Nagar, Mango, Town, Jamshedpur, P.O. & P.S. – Azad Nagar, District East Singhbhum. … Opp. Party

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Ritesh Kumar, Advocate.
For the State : Mr. Bhola Nath Ojha, Spl. P.P.
For the Opp. Party No.2: Mr. Gaurav, Advocate

8/17.12.2025 Heard the parties.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner No.2 has left for heavenly aboard and in view of the order dated 17.5.2024, the name of the petitioner No.2 has already deleted from the array of the petitioners and he submits that now this revision is surviving only for petitioner No.1.

3. He further submits that by order dated 09.12.2013 passed by learned Judicial Magistrate, 1st Class, Jamshepur, the petitioner has been convicted and directed to undergo SI for a period of three years for the offence punishable under section 498A of the IPC and a fine of Rs. 500/- each and in default of payment of fine, further to undergo SI for seven days and the period of sentence already undergone during the trial, will be set off for in connection with C/1 Case No.1022 of 2006. He further submits that against the said order, the petitioner has

preferred Criminal Appeal No.5 of 2014, which has been dismissed by the judgment dated 22.05.2018 by the learned session judge-IX, Jamshedpur.

4. He further submits that the petitioner happens to be husband of the informant. He has been convicted under section 498A of the IPC. He next submits that the informant has already filed a maintenance case against the petitioner and in that maintenance case, compromise has reached between the parties and in the present case also, both the parties have filed a compromise in form of IA No.11403 of 2023. He next submits that the matter is arising out of matrimonial dispute. In that view of the matter, criminal revision may kindly be allowed.

5. Learned counsel appearing for the State submits that the matter is arising out of section 498A of IPC and it appears that the compromise was there in light of the IA No.11403 of 2023 and the matter is arising due to the complaint case.

6. Learned counsel appearing for the opposite party No.2 submits that the compromise petition has been filed and now a good sense has prevailed between both the parties and both the parties have compromised the matter in the maintenance case and on the basis of that in IA No.11403 of 2023 has been filed on separate affidavit of both the sides. He also submits that OP No.2 does not want to proceed further in the matter. In view of the above, he submits that this petition may kindly be disposed of.

7. In light of above and considering that the compromise is there and the IA No.11403 of 2023 has been filed on the basis of the

compromise reached between the parties in the maintenance case, the I.A. meant for compromise is allowed.

8. Taking note of the object of Section 498-A of the Indian Penal Code, the expected approach of the High Court in the event of bona fide settlement of disputes had been duly exposited by the Hon'ble Supreme Court in the case of ***B.S. Joshi v. State of Haryana***, reported in ***(2003) 4 SCC 675***, wherein the Hon'ble Supreme Court has underscored the duty of the Court to encourage the genuine settlement of matrimonial disputes and said as under in paragraphs 12 to 16 of the said judgment:

> "12. The special features in such matrimonial matters are evident. It becomes the duty of the court to encourage genuine settlements of matrimonial disputes.
>
> 13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad [G.V. Rao v. L.H.V. Prasad, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] are very apt for determining the approach required to be kept in view in a matrimonial dispute by the courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.

> 14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A 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 hypertechnical view would be counterproductive 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 ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Penal Code, 1860.
> 15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.
> 16. For the foregoing reasons, we set aside the impugned judgment and allow the appeal and quash the FIR abovementioned."

9. The same view has been reiterated by the Hon'ble Supreme Court in the case of ***Bitan Sengupta v. State of W.B.***, reported in ***(2018) 18 SCC 366.***

10. In view of the aforesaid judgments and taking note of the terms of settlement as stated in the said I.A. and further considering the judgments passed by the Hon'ble Supreme Court in the cases of ***Gian Singh v. State of Punjab and another***, reported in ***(2012) 10 SCC 303*** and ***Narinder Singh and others v. State of Punjab and another***, reported in ***(2014) 6 SCC 466***, the said settlement is, hereby, accepted.

11. In view of the above and considering that the matter is arising out of section 498A of IPC and both the parties have settled the disputes and taking note of the terms of settlement as stated in the IA

No.11403 of 2023, the same is allowed and disposed of.

12. Consequently, the judgment dated 22.05.2018 passed by the learned session judge-IX, Jamshedpur in Criminal Appeal No.5/2014 and order dated 09.12.2013 passed by learned Judicial Magistrate, 1st Class, Jamshepur in C/1 No.1022 of 2006 hereby set aside.

13. The petitioner is put at liberty with immediate effect.

14. This revision petition is disposed of. Pending petitions, if any, are also disposed of

(Sanjay Kumar Dwivedi, J.)

17.12.2025
R.Kumar