

M.Cr.C. No. 56371/2021
(Dharmpal Singh Jadon & Ors. Vs. State of M.P. & Anr.)

HIGH COURT OF MADHYA PRADESH
BENCH AT GWALIOR

SINGLE BENCH:

Miscellaneous Criminal Case No. 56371/2021

Dharmpal Singh Jadon & Ors.

Vs.

State of M.P. & Anr.

CORAM

Hon. Shri Justice Rajeev Kumar Shrivastava

Appearance

Shri D.R. Sharma, learned counsel for the petitioners.

Shri Alok Sharma, learned Panel Lawyer for respondent

No.1/State.

Shri Ankit Saxena, learned counsel for respondent No.2.

Reserved on : 27/01/2022

Whether approved for reporting : Yes

ORDER

(Passed on 02/02/2022)

This petition under Section 482 of the Code of Criminal Procedure (for brevity "CrPC") has been filed for quashing the FIR registered in Crime No. 451/2016 at Police Station Maharajpura, District Gwalior for the offences punishable under

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Sections 307, 498-A, 34 of IPC and all other consequential proceedings arising out of it on the basis of compromise.

2. Along with the petition, **I.A. No. 31872/2021 & I.A. No. 31873/2021** have also been filed by the petitioners and complainant-respondents No.2 respectively for compounding the offences on the basis of compromise. The applications are duly signed by both the parties and are supported by affidavits of respective parties.

3. In compliance of order dated 07/01/2022 passed by this Court, the factum of compromise has been verified by the Principal Registrar of this Court, who has recorded statement of complainant/ respondents No.2- Smt. Seema Jadon W/o Shri Dharmpal Singh Jadon as well as petitioners/accused, namely, Dharmpal Singh Jadon, Mahesh Singh Jadon, Smt. Krishna Devi and Smt. Sarita Jadon and has submitted a report that the parties have arrived at compromise voluntarily without any threat, inducement and coercion. The verification report further states that as per Section 320 of CrPC, the offences under Sections 307, 498-A, 34 of IPC are not compoundable.

4. The facts of the case, in short, are that the marriage of complainant/ respondent No.2 was solemnized on 12/07/2016 with petitioner No.1- Dharmpal Singh Jadon as per Hindu rituals and immediately after marriage, petitioners started exploiting the complainant and demanded a bike as dowry. The complainant

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informed about the incident to her family members, upon which her father tried to resolve the issue but remain failed. On 12/12/2016 at around 09:00 PM, mother-in-law & sister-in-law with the help of complainant's husband dragged the complainant by making knot in her neck and also brutally beaten her with intention to kill her. Being aggrieved and left with no other option, respondent No.2 lodged the FIR against the petitioners which has been registered as Crime No. 451/2016 at Police Station Maharajpura, District Gwalior, for offences punishable under Sections 307, 498-A, 34 of IPC. After completion of investigation, charge-sheet has been filed by the Police and charges have been framed by the Court below.

5. Thereafter, during pendency of trial, by the intervention of respectful members of the society, the petitioners and respondent No.2 have cleared bilateral doubts and respondent No.2 has expressed her desire not to continue with the case against the petitioners. Hence, this petition has been filed for quashing the aforesaid FIR and all other consequential proceedings arising out of it on the basis of compromise.

6. It is submitted by learned counsel for the petitioners that the respondent No.2/complainant has entered into a compromise with the petitioners and therefore, the present petition has been filed for compounding the offences on the basis of compromise. It is

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further submitted that once the complainant has decided not to pursue the matter further, then the High Court could have taken a mere pragmatic view of the matter. Learned counsel for the petitioner has relied upon the judgments passed by the Hon'ble Apex Court in the cases of **Gian Singh Vs. State of Punjab [(2012) 10 SCC 303]**, **Narinder Singh & Anr. Vs. State of Punjab & Ors. [(2014) 6 SCC 466]**, and order passed by the coordinate Bench of this Court on 20/01/2022 in the case of **Chaube Singh and Others Vs. The State of Madhya Pradesh & Others [Miscellaneous Criminal Case No.56226/2021]**. On the basis of aforesaid facts of the case and in the light of above cited judgments, learned counsel for the petitioners prays for allowing this petition by quashing the FIR in question and all consequential proceedings arising out of it.

7. Learned counsel appearing for the respondent No.2/ complainant has no objection to the prayer made on behalf of the petitioners in regarding the quashment of FIR as well as other consequential criminal proceedings.

8. Heard learned counsel for the parties and perused the documents available on record as well as verification report submitted by Principal Registrar of this Court.

9. Section 482 of the Code of Criminal Procedure reads as under:-

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“482. Saving for inherent power of High Court – Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

10. The powers of High Court under Section 482 of CrPC are partly administrative and partly judicial. The Hon'ble Apex Court in **State of Karnataka vs. Muniswami [AIR 1977 SC 1489]** held that the section envisages three circumstances in which the inherent jurisdiction may be exercised, namely, *“to give effect to an order under CrPC, to prevent abuse of the process of the court, and to secure the ends of justice.”*

11. The jurisdiction under Section 482 CrPC is discretionary. The Court may depend upon the facts of a given case. Court can always take note of any miscarriage of justice and prevent the same by exercising its powers under Section 482 of CrPC. It is true that their powers are neither limited nor curtailed by any other provisions of the Code. However, such inherent powers are to be exercised sparingly and with caution.

12. It is also settled law that the inherent power under Section 482 of CrPC has to be exercised for the ends of the justice and should not be arbitrarily exercised to cut short the normal process of a criminal trial.

13. In the case of **State of M.P. Vs. Manish [(2015) 8 SCC 307]**, the Hon'ble Apex Court has specifically observed and held

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that, when it comes to the question of compounding an offence under Sections 307 and 34 IPC, by no stretch of imagination, it can be held to be an offence between the private parties simpliciter. It is observed that such offences will have a serious impact on the society at large. It is further observed that where the accused are facing trial under Sections 307 read with Section 34 IPC, as the offences are definitely against the society, accused will have to necessarily face trial and come out unscathed by demonstrating their innocence.

14. In **State of M.P. Vs. Deepak [(2014) 10 SCC 285]** the Hon'ble Apex Court has had an occasion to consider whether the High Court can quash the FIR/complaint/criminal proceedings, in exercise of the inherent jurisdiction and Hon'ble Apex Court on the aforesaid point has specifically observed that as offence under Section 307 IPC is non-compoundable as well as offence under Section 307 is not a private dispute between the parties *inter se*, but is a crime against the society, quashing of the proceedings on the basis of a compromise is not permissible.

15. Similar is the view taken by the Hon'ble Apex Court in a recent decision in the cases of **State of Madhya Pradesh Vs. Kalyan Singh in Criminal Appeal No.14/2019** decided on **4.1.2019** and **State of Madhya Pradesh Vs. Dhruv Gurjar in Criminal Appeal @ SLP(Criminal) No.9859/2013** decided on **22.02.2019**.

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16. The Hon'ble Apex Court in **Narinder Singh Vs. State of Punjab [(2014) 6 SCC 466]** has held that the offence under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the Hon'ble Apex Court has further observed that the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed. Its further corroboration with the medical evidence or other evidence is to be seen, which will be possible during the trial only.

17. The power conferred under Section 482 of CrPC to quash the criminal proceedings for the non-compoundable offences under Section 320 of CrPC can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions and when the parties have resolved the entire dispute amongst themselves but such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society.

18. So far as the present case is concerned, the allegations are serious in nature wherein mother-in-law & sister-in-law with the help of complainant's husband dragged the complainant by making knot in her neck and also brutally beaten her with intention to kill

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her. Therefore, considering the aforesaid facts & circumstances of the case along with gravity of the offence and the conduct of the accused persons, it would not be appropriate to quash the FIR for the offences under Sections 307, 498-A, 34 of IPC only on the basis of settlement between the accused persons and the complainant.

19. In view of the above discussion, I.A. No. 31872/2021 and I.A. No.31873/2021 cannot be allowed as the offences under Sections 307, 498-A, 34 of IPC are non-compoundable under Section 320 of Cr.P.C. Resultantly, the applications are rejected.

20. Consequently, in the light of dismissal of I.A. No. 31872/2021 and I.A. No.31873/2021, this petition filed under Section 482 of Cr.P.C. for quashing the FIR and other consequential proceedings, is also **dismissed**.

21. Accordingly, the trial Court is directed to continue the trial against the petitioners for the offences under Sections 307, 498-A, 34 of IPC, in accordance with law.

Let a copy of this order be sent to the trial Court concerned for information and necessary compliance.

(Rajeev Kumar Shrivastava)
Judge