

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 486 OF 2000

RAM KISHAN AND ORS.

Appellant (s)

VERSUS

STATE OF DELHI AND ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 23/02/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. Harish Khanna, Adv.

Mr. Rajinder Mathur, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the appellants.

The appeal is allowed, impugned order is set aside and the criminal prosecution of the appellants is quashed.

[Charanjeet Kaur]

[Om Prakash]

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Court Master

Court Master

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[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 486 OF 2000

Ram Kishan And Ors. Appellant(s)	..	Appel
Versus		
State of Delhi And Anr, Respondent(s)	..	Respo

O R D E R

Heard learned counsel for the appellants.

The present appeal has been filed by the appellants against

the impugned order whereby the High Court has refused to quash

the prosecution of the appellants in exercise of powers under Section

482 of the Code of Criminal Procedure (hereinafter referred to as the

"Code'). Prayer was made before the High Court that as the parties

have settled their disputes and a consent divorce decree was passed,

the prosecution under Sections 406/498-A of the Indian Penal Code

read with Section 4 & 6 of the Dowry Prohibition Act, 1961 should be

quashed. This point was considered by this Court in the case of

B.S. Joshi & Ors. vs. State of Haryana & Anr. reported in 2003 (4)

SCC 675 in which it was held that as the parties have

compromised the

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matrimonial disputes, the criminal prosecution should have been quashed by the High Court in exercise of powers under Section 482 of the Code. In our view the present case is covered by the aforesaid decision, as such the appellants are also entitled to the same relief.

Accordingly, the appeal is allowed, impugned order is set aside and the criminal prosecution of the appellants under the aforesaid sections is hereby quashed.

.....J
[B.N. AGRAWAL]

.....J
[A.K. MATHUR]

.....J
[DALVEER BHANDARI]

NEW DELHI,
FEBRUARY 23, 2006.