

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

Petition(s) for Special Leave to Appeal (Crl) No(s).6773/2008
(From the judgement and order dated 17/04/2008 in SBCRM No.
574/2006 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

DINESH JAIN & ORS.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR. Respondent(s)
(With appln(s) for exemption from filing O.T., stay, compromise,
permission to file rejoinder affidavit and office report)

WITH SLP(C) NO. 5179-5180 of 2009
(With appln. for c/delay in filing SLP and compromise and office
report)

Date: 10/05/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. S.R. Singh, Sr. Adv.
In SLP 6773/08 & Mr. D.N. Dubey, Adv.
rr in SLPs.5179- Mr. Avnish Singh Yadav, Adv.
80/09 Mr. Ankur Yadav, Adv.
Mr. Abhishth Kumar, Adv.
Mr. Yash Pal Dingra, Adv.

In SLPs.5179-80/09 Mr. K.L. Janjani, Adv.
Mr. Pankaj Kumar Singh, Adv.
Dr. Vinod K. Tewari, Adv.

For Respondent(s) Dr. Manish Singhi, AAG
rr.1 In SLP Mr. R. Gopalakrishnan, Adv.
6773/08

rr. 2 In SLP Mr. K.L. Janjani ,Adv
6773/08 Mr.Pankaj Kumar Singh, Adv.
Dr. Vinod K Tewari, Adv.

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UPON hearing counsel the Court made the following
O R D E R

SLP (C) Nos. 5179-5180/2009

The special leave petitions are dismissed as not
pressed.

SLP(Crl.) No. 6773/2008

Leave granted.

The impugned order is set aside and the
following proceedings, stated to be pending against the
appellants are quashed :

i) Criminal case arising out of FIR No. 182 of 2000 pending
in the Court of A.C.J.M. North-3, Kota, Rajasthan;

ii) Criminal case arising out of FIR No. 197 of 2007 pending in the Court of Chief Judicial Magistrate, Kota and

iii) Criminal case arising out of FIR No. 232 of 2007 pending in the Court of A.C.J.M. North-2, Kota.

The appeal stands disposed of accordingly.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master

[Signed order is place on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1140 OF 2011
(Arising out of SLP(Crl.) No. 6773/2008)

Dinesh Jain & Ors. .. Appellant(s)

Versus

State of Rajasthan & Anr. .. Respondent(s)

O R D E R

Leave granted.

This appeal by special leave is directed against order dated 17th April, 2008 passed by the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Miscellaneous Petition No. 574 of 2006. By the impugned order, the High Court has declined to quash the proceedings initiated by respondent No.2 against her husband, mother-in-law, father-in-law, brother-in-law and sister-in-law, the appellants herein under Sections 498-A and 406 of the Indian Penal Code, 1860. The sole ground on which the petition, filed under Section 482 of the Code of Criminal Procedure, 1973 has been dismissed is that since the parties have stated that there is no chance of any compromise between them, no ground was made out for exercise of jurisdiction under the said provision.

During the pendency of this appeal, the parties have settled their disputes out of Court and have entered into a compromise. On the basis of the said compromise, a

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decree of divorce between appellant No. 1-Dinesh Jain and respondent No. 2- Smt. Krishna Jain has been granted and the marriage solemnized between them on 14th May, 1997 has been dissolved. A certified copy of decree dated 5th May, 2011 passed by the Family Court at Kota in Matrimonial Case No. 617 of 2010 has been placed on record.

Having heard learned counsel for the parties, we are of the view that since the disputes between the parties have been set at rest and on the basis of the compromise arrived at between them, marriage between appellant No. 1 and respondent No. 2 stands dissolved by consent, continuance of criminal proceedings, initiated by the wife against the appellants on account of some misgivings, would be a futile exercise. Accordingly, we set aside the impugned order and quash the following proceedings, stated to be pending against the appellants :

- i) Criminal case arising out of FIR No. 182 of 2000 pending in the Court of A.C.J.M. North-3, Kota, Rajasthan;
- ii) Criminal case arising out of FIR No. 197 of 2007 pending in the Court of Chief Judicial Magistrate, Kota and
- iii) Criminal case arising out of FIR No. 232 of 2007 pending in the Court of A.C.J.M. North-2, Kota.

The appeal stands disposed of accordingly.

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[D.K. JAIN,J.]

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[H.L. DATTU,J.]

NEW DELHI,
MAY 10, 2011.