

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE**

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 20th OF MAY, 2024

MISCELLANEOUS CRIMINAL CASE No. 15759 of 2024

BETWEEN:-

1. **UDIT NARAYAN TRIPATHI S/O SHRI RAJARAM TRIPATHI, AGED ABOUT 33 YEARS, R/O VILLAGE PADHAR P.S. AND TAH. SABHAPUR DISTRICT SATNA (MADHYA PRADESH)**
2. **ANAND VIPIN TRIPATHI S/O SHRI RAJARAM TRIPATHI, AGED ABOUT 30 YEARS, R/O VILLAGE PADHAR P.S AND TEHSIL SABHAPUR DISTRICT SATNA (MADHYA PRADESH)**
3. **RAJARAM TRIPATHI S/O LATE RAGHUVANSHMANI TRIPATHI, AGED ABOUT 56 YEARS, R/O VILLAGE PADHAR P.S AND TEHSIL SABHAPUR DISTRICT SATNA (MADHYA PRADESH)**
4. **SMT USHA DEVI TRIPATHI W/O RAJARAM TRIPATHI, AGED ABOUT 54 YEARS, R/O VILLAGE PADHAR P.S AND TEHSIL SABHAPUR DISTRICT SATNA (MADHYA PRADESH)**

.....APPLICANTS

(BY MS. ASHI SONI - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION SEMARIYA DISTRICT REWA (MADHYA PRADESH)**
2. **PRANJALI TRIPATHI D/O GANESH PRASAD GAUTAM, AGED ABOUT 30 YEARS, R/O VILLAGE HARDUA TEHSIL AND P.S. SEMARIYA DISTRICT REWA (MADHYA**

PRADESH)

.....RESPONDENTS

(STATE BY SHRI ROHIT JAIN - PUBLIC PROSECUTOR)

.....
This application coming on for admission this day, the court passed the following:

ORDER

This application under Section 482 of Cr.P.C. has been filed seeking following relief(s):-

"It is, therefore, prayed that, this Hon'ble Court may be kind enough to allow this petition and quash the criminal Case/ proceedings bearing no. RCT/644/2015, (State of M.P. Vs Uditnarayan Tripathi and others) pending before Learned JMFC Sirmor, District-Rewa (M.P.) and consequential proceedings. Further, may kindly be discharge the applications from the charges, in the interest of justice."

2. It is submitted by counsel for the applicants that parties have compromised and accordingly, an application for compounding was filed before the Trial Court and JMFC Sirmour, District Rewa by order dated 24/02/2024 passed in RCT No.644/2015 has compounded the offences under Sections 498-A, 294, 323/34, 506 Part-II of IPC, however, has refused to accept the application for compounding the offence under Section 3/4 of Dowry Prohibition Act.

3. So far as present application under Section 482 of Cr.P.C. is concerned, this Court is of considered opinion that there are certain inherent defects. This application has not been filed for compounding the offence under Section 3/4 of Dowry Prohibition Act on the basis of compromise.

4. Furthermore, an objection was raised by counsel for the State that offences under Sections 498-A, 506 Part-II of IPC are not compoundable but still the Trial Court has compounded the same.
5. Considered the submissions made by counsel for the parties.
6. So far as the present application under Section 482 of Cr.P.C. is concerned, the same has not been drafted properly and therefore, counsel for the applicants seeks permission of this Court to withdraw this application with liberty to file a properly constituted application.
7. With aforesaid liberty, application is **dismissed as withdrawn**.
8. However, Trial Court by order dated 24/02/2024 has compounded the offences under Sections 498-A, 506 Part-II of IPC. According to counsel for the State, there is no State Amendment thereby making these offences compoundable.
9. Accordingly, issue notice to the applicants to show cause as to why the order dated 24/02/2024 be not modified and the compounding of offences under Sections 498-A, 506 Part-II of IPC be not reversed.
10. Office is directed to register a separate case for said purposes.
11. Trial Court is also directed to submit its comments as to whether offence under Sections 498-A, 506 Part-II of IPC has been made compoundable or not?
12. List the said case on **03/07/2024**.

(G.S. AHLUWALIA)
JUDGE

S.M.