

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 3453 / 2017

1. Abhishek Mehta S/o Late Shri Suresh Kumar Mehta, Aged About 36 Years, By Caste Jain, Resident of House No. 103, Subhash Nagar, Pal Road, Jodhpur (Raj.) At Present- E-167, Chhatarpur Extension, New Delhi- 74.

2. Smt. Kamla Mehta W/o Late Shri Suresh Kumar Mehta, Aged About 70 Years, By Caste Jain, Resident of House No. 103, Subhash Nagar, Pal Road, Jodhpur (Raj.) At Present- E-167, Chhatarpur Extension, New Delhi- 74.

----Petitioners

Versus

1. The State of Rajasthan

2. Smt. Nupur Duggar W/o Abhishek Mehta, D/o Shri Rajendra Duggar, Aged About 29 Years, By Caste Jain, Resident of B-1/7, Panchratna Apartments, Opposite to Prakash School, Near Sandesh Press, Borakdev, Ahmedabad- 54.

----Respondents

For Petitioner(s) : Dr.Shailendra Kala

For Respondent(s) : Mr.M.S.Panwar PP for the State.

Mr.Dharmendra Surana

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

15/11/2017

It is stated at the Bar that a compromise has been arrived at between the parties. It is borne out from the compromise that complainant is not inclined to proceed further in the matter.

It is also submitted that upon the aforementioned compromise, the learned court below vide order dated 07.09.2017 discharged the petitioners of the offences under Sections 406 IPC, however, has not discharged the petitioners of the offence under

Section 498A IPC being non-compoundable.

Learned counsel for the parties have placed reliance on a decision of Supreme Court in case of **Gian Singh V/s. State of Punjab & Anr. [(2012) 10 SCC 303]**.

In view of compromise arrived at between the parties as well as the aforesaid order dated 07.09.2017 of the learned court below and applying the ratio in decision of **Gian Singh Vs. State of Punjab & Anr. (supra)**, I deem it just and proper to invoke inherent powers of this Court under Section 482 Cr.P.C.

Accordingly, the present misc.petition is allowed and the petitioners are discharged of the offence under Section 498A IPC as well, in relation to the impugned criminal case pending before the learned Special ACJM (PCPNDT Act Cases) Court, Jodhpur Metro as Cr.O. No.99/2015 (C.R. No.14/20.01.2015).

(DR. PUSHPENDRA SINGH BHATI)J.

Skant/-



सत्यमेव जयते