



1 MCRC-11568-2024
IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE G. S. AHLUWALIA
ON THE 16th OF AUGUST, 2024

MISC. CRIMINAL CASE No. 11568 of 2024

KIRTIBHAN TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Smt. Anchan Pandey - Advocate for applicant.

Shri Dilip Parihar - Panel Lawyer for respondents/State.
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ORDER

This application under Section 482 of Code of Criminal Procedure has been filed seeking the following relief(s):-

"It is therefore prayed that this Hon'ble Court may be pleased to quash the FIR Crime No.34/2021 of the PS Mahila Thana, Jabalpur MP and Case of RCT No.3724/2021 pending before the JMFC, Jabalpur MP in the interest of justice."

2. I.A.No.8523/2024, has been filed under Section 320 (5) of Code of Criminal Procedure for quashment of the proceedings on the basis of compromise.
3. It is submitted that the complainant does not live with the applicant/husband and family matter was settled out of the Court. According to which, the complainant would receive an amount of Rs.6,00,000/- in three installments of Rs.2,00,000/- each. First installment of Rs.2,00,000/- was already received by her before the Family Court and it was mentioned that



remaining amount of Rs.4,00,000/- would be received by her in two installments.

4. This Court by order dated 29.04.2024 had directed the parties to appear before the Registrar (Judicial-II) for verification of factum of compromise. Registrar (Judicial-II) after recording the statements of the parties has given the following report:-

"I have recorded the statement of Respondent No.2/Complainant Khushbu Tiwari and applicant Kirtibhan Tiwari which are enclosed herewith for kind perusal.

I personally posed questions to the Respondent No.2/Complainant Khushbu Tiwari to verify about the voluntariness of the proposed compromise. She has expressed that she has voluntarily entered into compromise with the applicant namely Kirtibhan Tiwari who appeared before the undersigned with free will and volition and without any threat and inducement to settle their disputes.

I satisfied myself about the fact that Respondent No.2/Complainant Khushbu Tiwari did not appear to be under any threat, inducement or pressure in entering into compromise as proposed.

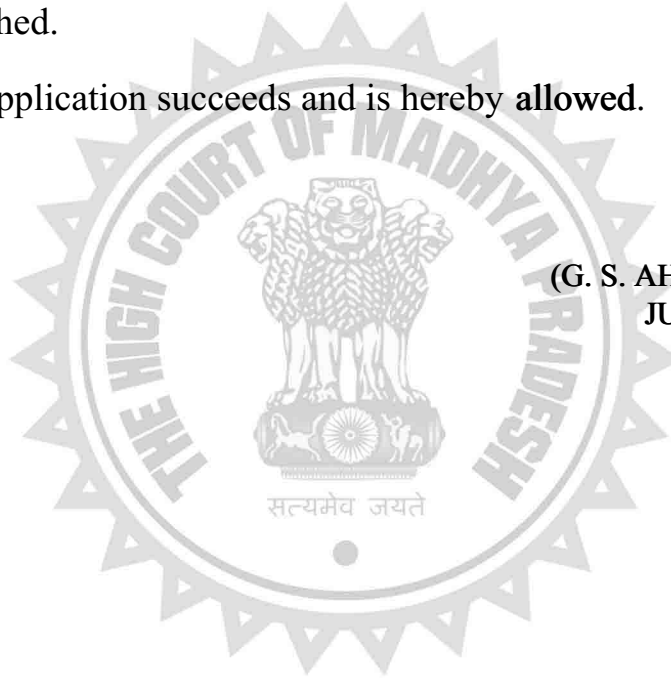
In view of facts mentioned above, the compromise appears to be genuine.Hence verified."

5. It is submitted by counsel for complainant that today, an amount of Rs.2,00,000/- i.e. Rs.50,000/- in cash and a cheque of Rs.1,50,000/- has been received and in case if the cheque is encashed, then an amount of Rs.2,00,000/- would be outstanding.

6. It is further submitted by counsel for applicant that the third installment of Rs.2,00,000/- shall be paid to the complainant on 08.10.2024.



7. The complainant is also present in person who has been identified by her counsel.
8. In view of the report given by the Registrar (Judicial-II) as well as statement made by the complainant herself about her willingness, application is allowed.
9. The prosecution of the applicant in Crime No.34/2021 registered at Police Station-Mahila Thana, Jabalpur and the further proceedings against the applicant pending in RCT No.3724/2021 before JMFC, Jabalpur are hereby quashed.
10. The application succeeds and is hereby allowed.



(G. S. AHLUWALIA)
JUDGE

VB*