THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.1682 of 2006

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1. Kati Devi wife of Moti Gope
2. Shatrughan Gope son of Moti Gope
   All residents of Kanderbera P.S. Chandil, Dist-Seraikella-Kharsawan **..... Appellants**

Versus

1. The State of Jharkhand
2. Pari Gowalin wife of late Bharat Gope, resident of Mouza Ghatia, P.O. and P.S. Ichagarh, District Seraikella-Kharsawan **..... Respondents**

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellants : Mr. Sashi Kant, Advocate
For Amicus Curie : Mr. Navneet Sahay, Advocate
For the State : Mr. Fahad Allam, A.P.P.
For the Informant : Mr. Birendra Kumar, Advocate

Order No.13/Dated: 24.09.2026

I.A. No. 5385 of 2025

1. In the present interlocutory application, prayer has been made for acceptance of the joint compromise entered into between the informant and the appellants, namely, Kati Devi and Shatrughan Gope, who are, respectively, the mother-in-law and brother-in-law of the informant.

2. Learned counsel appearing for the informant as well as for the appellants are present before this Court and have submitted that the husband of the informant had died much prior to the institution of the FIR against the appellants. It is stated that, subsequent to the death of her husband, the informant continued to reside with her in-laws, during which certain disputes arose regarding the grant of compassionate appointment, ultimately resulting in the institution of the present FIR.

3. It is further submitted that since the informant has

been appointed as Peon in the Swarnrekha Project, District Seraikella-Kharsawan, on compassionate grounds, and that no grievance now survives between the parties.

4. Upon the aforesaid premise, it has been urged on behalf of the parties that no useful purpose would be served by pursuing the present appeal before this Court and, accordingly, the present interlocutory application be allowed and the present criminal appeal may be disposed of.

5. Heard the counsel for the parties and perused the material available on record.

6. It transpires that a case under Sections 498-A, 328/34, 307/34 and 379 of IPC was instituted against the father-in-law, mother-in-law and brother-in-law of the informant. The learned trial court, upon appreciation of the evidence on record, convicted the appellants only under Section 498-A of IPC and being aggrieved against the judgment of conviction and order of sentence, the present appeal has been filed.

7. It is pertinent to mention here that the appellants namely Moti Gope, Kati Devi and Shatrughan Gope have preferred the instant appeal, however during the pendency of the instant appeal, the appellant no.1 Moti Gope has died and vide order dated 28.10.2024 of this Court, the instant appeal *qua* the appellant no.1 Moti Gope got abated.

8. The record further reveals that both sides have placed on record affidavits along with the present interlocutory application, duly sworn and affirming the submissions and statements made therein, with respect to the compromise arrived at between the parties.

9. It is true that the offence under Section 498-A of IPC is non-compoundable. However, the Hon'ble Supreme Court, in ***Bitan Sengupta v. State of West Bengal***, reported in (***2018) 18 SCC 366*** has permitted the compounding of an offence under Section 498-A of IPC on the basis of a compromise entered into between the parties. The relevant paragraphs of the said judgment read as under:

> **6.** As per the appellants, the parties have settled the matter, as they have decided to keep harmony between them to enable them to live with peace and love. The compromise records that Respondent 2 have no grievances whatsoever against the appellants and want both the appellants to get acquitted from the cases. Further, both the parties have undertaken not to indulge in any litigation against each other and withdraw all the complaints pending between them before the court.
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> **7.** In the aforesaid circumstances and going by the spirit of the law laid down by this Court in *B.S. Joshi* v. *State of Haryana* [*B.S. Joshi* v. *State of Haryana*, (2003) 4 SCC 675 : 2003 SCC (Cri) 848] , we are of the opinion that the High Court should have accepted the settlement and compounded the offences. It is, more so, when the settlement between the parties, who were husband and wife, was even acted upon as the parties took mutual divorce on that basis.

10. Considering the above legal proposition and in view of the totality of facts and circumstances of the case, this Court finds that the informant and the appellants have amicably settled their disputes and arrived at a compromise with respect to the issues involved in the present *lis* and have undertaken not to pursue the present appeal. Statements to this effect have also been made in the present interlocutory application, which has been jointly filed by the appellants and the informant, and the affidavits affirming the statements contained therein have also been placed on record on behalf of both the parties. Accordingly, this Court accepts the compromise arrived at between the parties.

11. Consequently, I.A. No. 5385 of 2025 is, hereby, allowed.

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12. Resultantly, the judgment of conviction dated 30.11.2006 and order of sentence dated 01.12.2006 are, hereby, set aside.

13. The present Criminal Appeal being Criminal Appeal (S.J.) No. 1682 of 2006 is, hereby, allowed.

14. Since, the appellants are on bail, they are discharged from the liability of their bail bonds.

15. Let the trial court record be sent back to the court concerned forthwith.

16. Pending I.A., if any, stands disposed of.

(Arun Kumar Rai, J.)

Dated:24th September, 2026
R.K./Rajnish

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