THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.1164 of 2017

Kamruddin Ansari S/o Noor Mohammad, resident of village-Telmakri, P.O. & P.S.-Jamua, Dist. Giridih, (Jharkhand) **..... Appellant**

Versus

The State of Jharkhand **..... Respondent**

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant : Mr. Onkar Nath Tewary, Advocate
For the State : Mr. Fahad Allam, A.P.P.
For the Informant : Md. Razaullah Ansari, Advocate
Ms. Heena Parween, Advocate

Order No.06/Dated: 30.09.2026

I.A. Nos. 11942 of 2026 & 13957 of 2026

1. Mr. Onkar Nath Tewary, learned counsel for the sole appellant and Md. Razaullah Ansari, learned counsel for the informant are present before this Court.

2. In the present interlocutory applications, a joint compromise petition dated 14.08.2026 entered into between the informant (wife) and the appellant (husband) has been filed, as they have settled their dispute in the instant appeal.

3. Joint submission has been made before this Court that this case pertains to Section 498-A of IPC and appellant (husband) and informant (wife) have entered into settlement before the Family Court and thus, filed a compromise petition before this Court by way of present I.As. and now, the informant (wife) is having no grievance with the appellant (husband) and, as such, she does not want to pursue the present appeal.

4. It has also been contended that the appellant (husband) has already given some land and Rupees One Lac to the informant (wife) which has been well

acknowledged by the learned counsel for the informant (wife).

5. Upon the aforesaid premise, the prayer has been made that no useful purpose would be served by pursuing the present appeal before this Court and, accordingly, the present interlocutory applications be allowed and the present criminal appeal may be disposed of.

6. Learned A.P.P. for the State is also present before this Court and submitted that he is having no objection, if the present appeal be disposed of in the light of settlement/compromise arrived at between the parties.

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

8. This Court has gone through the contents of both the I.As. and find that the appellant (husband) and the informant (wife) have entered into compromise on 14.08.2026; the terms of settlement are available in the said I.As.

9. Learned counsel for the informant (wife) conceded to the fact that some land has been earmarked to the informant (wife) which is in her possession and also, she has received Rupees One Lac from the appellant (husband).

10. Trial court record reveals that the appellant has been convicted under Sections 323/498-A of IPC and Section 4 of Dowry Prohibition Act and he has been sentenced to undergo S.I. for six months for the charge u/s 323 of IPC, R.I. for two years and fine of Rs. 1,000/- for the charge u/s 498-A of IPC and S.I. for six months and fine of Rs. 1,000/- for the charge u/s 4 of Dowry Prohibition Act. In case of default of payment of fine amounts, further directed to undergo S.I. for one month.

11. 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.

12. 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 appellant 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 applications, apart from the joint compromise petition dated 14.08.2026, annexed with the I.As.

13. Accordingly, this Court accepts the joint compromise arrived at between the parties.

14. Consequently, I.A. Nos. 11942 of 2026 & 13957 of 2026 are, hereby, allowed.

Criminal Appeal (S.J.) No. 1164 of 2017

15. In the light of the abovesaid compromise, the judgment of conviction and order of sentence dated 29.05.2017 are, hereby, set aside.

16. The present Criminal Appeal being Criminal Appeal (S.J.) No. 1164 of 2017 is, hereby, allowed.

17. Since, the appellant is on bail, he is discharged from the liability of his bail bonds.

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

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

(Arun Kumar Rai, J.)

Dated: 30th September, 2026
R.K./Rajnish