



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228

CRR-2492-2018 (O&M)

Date of Decision: 08.08.2024

Harinderpreet Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kuldeep Singh Ahluwalia, Advocate with
Ms. Jaspreet Kaur, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. IPS Kohli, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

1. By way of filing the present revision petition, petitioner-Harinderpreet Singh, has laid challenge to the judgment of conviction and order of sentence dated 13.07.2018, passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, whereby while reversing the judgment of acquittal dated 26.09.2017, rendered by the learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, the learned lower Appellate Court convicted and sentence the petitioner under Sections 406 and 498-A IPC.

2. Briefly, the petitioner along with his co-accused, Surjit Singh-uncle, was booked and tried in case FIR No. 104 dated 13.09.2012, registered under Sections 406, 498-A and 506 read with Section 34 IPC at Police Station Banur, on the allegations that since the date of marriage of



the petitioner with respondent No. 2-complainant/Navjot Kaur i.e. 08.10.2006, they are maltreating and harassing the complainant for demand of more dowry. Even she was subjected to cruelty as well. After holding full fledged trial, the learned trial Court vide judgment dated 26.09.2017, acquitted the petitioner and his co-accused of the charges framed against them.

3. Being aggrieved, respondent No. 1-State as well as complainant/respondent No. 2, herein have filed separate appeals before the lower Appellate Court, which were allowed vide judgment of conviction and order of sentence 13.07.2018 and while acquitting accused-Surjit Singh, the learned Additional Sessions Judge, SAS Nagar, Mohali, convicted petitioner-Harinderpreet Singh, under Sections 406 and 498-A IPC and sentenced as under:-

Under Section	Sentence imposed	In default of payment of fine
406 IPC	Rigorous imprisonment for 02 years and fine of Rs.5000/-.	Further undergo R.I. for 02 months.
498-A IPC	Rigorous imprisonment for 02 years and fine of Rs.5000/-.	Further undergo R.I. for 02 months.
Both the above sentences were ordered to run concurrently.		

4. Feeling dissatisfied, the petitioner has filed the present revision petition and his sentence was suspended during the pendency of the revision petition vide order dated 16.11.2018, by a co-ordinate Bench of this Court.

5. During the pendency of present revision petition, the matter stands compromised between the parties vide compromise dated 17.08.2021 (Annexure P-1) and on 08.12.2022, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

**“CRM-41780-2022**

Application is allowed as prayed for.

Mutual compromise dated 17.08.2021 is taken on record as Annexure P-1.

Main Case

Counsel for the contesting parties submit that FIR, out of which the present revision petition has arisen, is a result of a matrimonial dispute, which has been settled by compromise, Annexure P-2, and the parties are happily living together as husband and wife. State counsel submits that the compromise effected between the parties is not to the knowledge of the official respondent. The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 20.01.2023 or on any day thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Area Magistrate/Trial Court be awaited for 19.04.2023.”

6. Pursuant thereto, the parties have appeared before the learned Judicial Magistrate Ist Class, SAS Nagar, to get their statements recorded.



Learned Judicial Magistrate Ist Class, SAS Nagar, has submitted his report along with copies statements of the parties vide letter dated 22.03.2023 duly forwarded by the learned District and Sessions Judge, SAS Nagar.

7. A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned Judicial Magistrate Ist Class, SAS Nagar and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

8. Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that marriage of the petitioner with complainant/respondent No.2 was solemnized on 08.10.2006 and one daughter was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since March, 2012. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 17.08.2021 (Annexure P-1), according to which, both the parties have agreed not to proceed further with the FIR in question. Both the parties also started residing together as husband and wife.

9. Learned counsel for respondent No. 1-State as well as learned counsel for respondent No. 2 have not disputed the aforesaid facts.

10. Learned counsel for the parties, are *ad idem* that since the matter stands compromised, the instant revision may be allowed and impugned judgment of conviction and order of sentence 13.07.2018,



passed by the learned Additional Sessions Judge, SAS Nagar, may be set aside and the petitioner be acquitted of the charges framed against him.

11. I have heard learned counsel for the parties.

12. Perusal of the record shows that the petitioner was convicted and sentenced under Sections 406 and 498-A IPC by the learned Additional Sessions Judge, SAS Ngar, vide judgment of conviction and order of sentence 13.07.2018. As noticed above, the parties have settled the dispute by way of compromise dated 17.08.2021 (Annexure P-1) and now, the parties are happily residing as husband and wife having along with their daughter.

13. The Hon'ble Supreme Court in *Ramgopal and another Vs. State of Madhya Pradesh : 2021(4) RCR (Criminal) 322* and a judgment of Hon'ble Division Bench of this Court in *Sube Singh vs. State of Haryana 2013(4) RCR (Criminal) 102*, wherein it has been held that the powers of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage. Further, the compromise in the present case is found to be fully covered in consonance of judgments and directions issued by the Court in *Kulwinder Singh and others Vs. State of Punjab : 2007(3) RCR (Criminal) 1052* and *Gian Singh Vs. State of Punjab and another : 2012(4) RCR (Crl.) 543*.

14. The Hon'ble Supreme Court in *A.T. Sivaperumal Vs. Mohammed Hyath (D) by LR's, 2017(2) RCR (Criminal) 453, decided on 27.03.2017*, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside along with the proceedings.

Similar view has been taken by a Coordinate Bench of this Court in the



case of *Jagmohan Vs. Sandeep Aggarwal and another : 2021(4) RCR (Criminal) 86.*

15. In view of what has been discussed here-in-above, this revision petition is **allowed** and FIR No. 104 dated 13.09.2012, registered under Sections 406, 498-A and 506 read with Section 34 IPC at Police Station Banur and all subsequent proceedings arising therefrom, including impugned judgment of conviction and order of sentence dated 13.07.2018 passed by the learned Additional Sessions Judge, SAS Nagar, on the basis of compromise dated 17.08.2021 (Annexure P-1), are ordered to be quashed qua the petitioner.

08.08.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No