

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-4971-SB-2015 (O&M)

Date of Decision: 12.10.2017

Gurwinder Singh ... Appellant

VS.

State of Punjab & Anr. ... Respondent

CRA-S-4983-SB-2015 (O&M)

Sukhraj Singh & Anr. ... Appellants

VS.

State of Punjab & Anr. ... Respondent

CRM-A-13-MA-2016 (O&M)

Kirandeep Kaur ... Appellant

VS.

Gurwinder Singh & Ors. ... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. KBS Mann, Advocate
for appellants (**CRA-S-4983-SB-2015 & CRA-S-4971-SB-2015**)
for respondents No.1 to 3 (**CRM-A-13-MA-2016**)

Mr. Iqbal Singh Mann, Advocate
for the appellant (**CRM-A-13-MA-2016**)
for respondent No.2 (**CRA-S-4983-SB-2015**
& **CRA-S-4971-SB-2015**)

Ms. Manjari Nehru Kaul, Addl. AG Punjab

SURYA KANT, J. (Oral)

(1) These are three cross appeals: (i) **CRM-A-13-MA-2016** filed by Kirandeep Kaur (wife) against acquittal of her husband, father-in-law and mother-in-law u/s 406/376 IPC; (ii) **CRA-S-4971-SB-2015** has been filed by Gurwinder Singh (husband) s/o Sukhraj Singh against his conviction u/s 498-A/323 IPC; and (iii) **CRA-S-4983-SB-2015** has been preferred by Sukhraj Singh and Gurmeet Kaur – father-in-law and mother-in-law of Kirandeep Kaur against their conviction u/s 498-A/323 IPC.

(2) With the intervention of this Court on 28.07.2016, the parties have now amicably settled the matrimonial dispute and in terms thereof, the husband-party agreed to pay a lumpsum of ₹ 14 lacs to Kirandeep (wife), out of which, it is stated by learned counsel for the parties that a sum of ₹ 8 lacs has already been paid to Kirandeep Kaur in the divorce petition and pursuant thereto, a decree of divorce has been granted to the parties by learned District Judge, Sri Muktsar Sahib vide judgment dated 12.04.2017 (copy handed over in Court).

(3) As regard to the balance payment of ₹ 6 lacs, learned counsel for husband has today handed over in Court cash amount of ₹ 1,15,000 (Rupees One Lac & Fifteen Thousand) to Kirandeep Kaur and her father who are present in Court. He has further handed over a demand draft bearing No.261084 dated 11.10.2017 drawn on Punjab National Bank in favour of Kirandeep Kaur for a sum of ₹ 2,85,000/- (copy given in Court) which has also been handed over to Kirandeep Kaur. For the balance amount of ₹ 2 lacs, a post-dated cheque encashable on or after 22.10.2017 (copy given) has been given to wife Kirandeep Kaur. Subject to encashment of the cheque of ₹ 2 lacs, learned counsel for Kirandeep Kaur (wife) withdraws CRM-A-13-MA-2016 which is thus dismissed as withdrawn.

(4) As regard to the two appeals i.e. **CRA-S-4971-SB-2015 & CRA-S-4983-SB-2015**, learned counsel for the parties have referred to the decision of this Court in **Sube Singh & Anr. vs. State of Haryana & Anr. 2013(4) RCR (Crl.) 102**, of which one of us (Surya Kant, J) was a member, to urge that with a view to restore peace, harmony and cordiality amongst the litigating parties, this Court has ample powers to quash/annul the prosecution even at the post-conviction stage on the basis of a compromise arrived at between the parties.

Learned State counsel does not dispute this legal proposition and rather supports the same.

(5) Following the view taken by a Full Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, coupled with the decision in **Sube Singh's** case (supra), both the appeals are allowed in the light of the compromise arrived at between the parties. The impugned judgment dated 28.10.2015 passed by the Additional Sessions Judge, Sri Muktsar Sahib convicting the appellants (in both the appeals) u/s 498-A/323 IPC is aside and they are ordered to be acquitted.

(6) Ordered accordingly.

(Surya Kant)
Judge

12.10.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No