

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-11228 of 2014

Date of Decision: 15.5.2015

Chakravarty Dada and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Jaswinder Singh, Advocate
for the petitioner(s).

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Devinder Kaushal, Advocate
for respondents No. 2 and 3.

Darshan Singh, J.

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") seeking quashing of FIR No. 20 dated 10.4.2012, registered under Sections 406, 498-A & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Women Cell, District Ludhiana and all the subsequent proceedings on the basis of the compromise.

2. Vide order dated 27.10.2014, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received

from the learned Judicial Magistrate Ist Class, Ludhiana through the learned District & Sessions Judge, Ludhiana along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

"I have the honour to submit that joint statements of complainant B.D.Sharma, Cheena Sharma, accused Chakravarty, Shakti Dada and Mrs. Vivek Dada appeared before this Court on 5.11.2014 got recorded. The statements of the parties have been duly counter signed by their counsel. The affirmations as coming in the statements of parties more or less show voluntary nature of their statements suffered.

(i) As per report of Ahlmad, no P.O. Proceedings against the parties are pending nor ever initiated by the Court.

(ii) No other case is pending against either of the parties in this Court.

Copies of the statements are sent herewith for kind perusal"

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in **Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543** and **Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)** and also by Full Bench of this Court in **Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052**.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondents No.2 & 3 has also fairly conceded that in view of the compromise effected between the parties, the complainant and his daughter have no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 406, 498-A & 120-B IPC on the allegations that respondent No.2-B.D.Sharma had solemnized the marriage of respondent No.3-Cheena Sharma with petitioner No.1-Chakarvarty Dada on 7.5.2009 at Ludhiana with great pomp and show. In the ring ceremony as well as at the time of marriage, jewellery articles were entrusted to the petitioners. The complainant had also given BMW 3 series car in dowry. But the petitioners were not satisfied with the dowry articles and started pressurizing respondent No.3 to bring more dowry. After the marriage, respondent No.3 was treated with cruelty and maltreatment by the petitioners. They were torturing respondent No.3 mentally as well as physically too. When respondent No.3 showed her inability, all the petitioners started abusing her and hurled derogatory language to her. She was also beaten by the petitioners number of times. Thereafter, a panchayat was convened wherein the petitioners were asked to mend their ways but they did not. Hence, respondent No.2 had lodged an FIR against the petitioners for taking action against them.

7. From the statements of the complainant as well as of the

petitioners recorded by the learned Judicial Magistrate and her report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner is bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 20 dated 10.4.2012, registered under Sections 406, 498-A & 120-B IPC at Police Station Women Cell, District Ludhiana and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

May 15, 2015

"DK"