

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-12762 of 2014 (O&M)

Date of decision: July 28, 2015

Prabhjot Singh @ Prabhjot Saini and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasleen Kaur, Advocate
for the petitioners.

Mr. Amritpal Singh Gill, Asstt. AG, Punjab.

Mr. R.K. Trikha, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 119 dated 21.08.2013 (Annexure P-1), registered for offences punishable under Sections 498-A and 406 of Indian Penal Code (for short 'IPC') at Police Station City Hoshiarpur, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, respondent No.2-complainant was married to petitioner No.1 on 20.04.2012 and after the marriage, the complainant was maltreated by the petitioners for demand of dowry.

Learned counsel for the petitioners submits that the matrimonial

dispute between petitioner No.1 and respondent No.2 has been settled amicably in the Mediation and Conciliation Centre of this Court vide compromise (Annexure P-2). As per the compromise, petitioner No.1 and respondent No.2 have already filed a petition under Section 13-B of Hindu Marriage Act, 1955 for divorce by mutual consent.

Upon notice, respondent No.1-State has put in appearance on behalf of respondent No.1-State and Mr. R.K. Trikha, Advocate has put in appearance on behalf of respondent No.2-complainant.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 12.01.2015 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine, voluntary in nature and without any pressure or coercion.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-2).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Section 498-A IPC is not compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live separately in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 28, 2015
Sachin M.

(SURINDER GUPTA)
JUDGE