

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No. M-14749 of 2015
Date of decision: 27.08.2015**

Sh. Sukhdev Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Kunal Dawar, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. AG, Punjab
for respondent No.1 – State.

Ms. Ruchi Sekhri, Advocate
for respondent No.2.

Daya Chaudhary, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of First Information Report (for short 'FIR') No.217 dated 12.10.2013 registered under Sections 406, 498-A and 506 of Indian Penal Code (for short 'IPC') at Police Station Mataur, SAS Nagar, Punjab, on the basis of compromise effected between the parties.

The aforesaid FIR was registered against husband

(Jassdev Singh), father-in-law (Sukhdev Singh), mother-in-law (Neeta Gill), brother-in-law (Simrandeep Singh), sister-in-law (Ravneet Kaur) and also the mediator (Ranbeer Singh) but during inquiry, Ranbeer Singh, Simrandeep Singh and Ravneet Kaur were found innocent. During pendency of the proceedings, a compromise was arrived at between the parties on 25.08.2014 and the divorce petition filed by respondent No.2-wife was also withdrawn.

Learned counsel for the petitioner submits that as per compromise arrived at between the parties, no claim or dispute remains pending between them. It was also agreed by the parties that they will file joint petition under Section 13-B of the Hindu Marriage Act for divorce with mutual consent. Thereafter, a joint petition was filed on 11.12.2014 and the statements of the parties including first and second motion have been recorded. Learned counsel further submits that the FIR in dispute was registered by ignoring the provisions of Sections 41 and 41-A Cr.P.C. as no mandatory statutory notice of appearance was issued to the petitioners by the Police. All the accused could not be contacted by the local Police as they were residing in Australia. The petitioners never stayed within territorial jurisdiction of Police Station Mataur, SAS Nagar. Even respondent No.2 is not citizen of India and had stayed in India for a period of five days only after marriage and thereafter, she went to Canberra, Australia. Learned counsel also submits that the charges have been framed under Section 498-A IPC whereas no offence is made out as

per allegations levelled in the FIR.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the submissions made by learned counsel for the petitioners.

Heard arguments of learned counsel for the parties and have also perused the documents on the file.

While issuing notice of motion on 07.05.2015, parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise and the Illaqa Magistrate was also directed to submit a report in this regard.

In response to the said directions issued by this Court on 07.05.2015, the attorney of accused-Jassdev Singh, namely, Vijay Raj as well as complainant appeared before the Illaqa Magistrate and their statements were recorded. A report in this regard along with the statements of the parties have been sent by Judicial Magistrate Ist Class, SAS Nagar (Mohali), which are on record wherein it has been mentioned that complainant-respondent No.2 and attorney of accused Jassdev Singh, namely, Vijay Raj, have appeared and their statements were recorded wherein factum of compromise has been affirmed. It has been mentioned in the report that the Court is satisfied that the compromise arrived at between the parties is genuine and is without any pressure or undue influence. Investigating Officer was also called and his statement was recorded wherein it has been stated that none of the accused is proclaimed offender. Complainant-

respondent No.2 Jasreena Sandhu has specifically stated in her statement that the compromise is as per her free will and without any pressure from other side. She has also stated that she has no objection in quashing of the FIR and other proceedings arising therefrom.

Since the dispute between the parties is of matrimonial nature and a compromise has been arrived at between the complainant and the accused persons; the complainant has no objection in quashing of the proceedings and moreover, no purpose would be served, in case, the proceedings are allowed to be continued as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility which will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties.

It has been held by Hon'ble the Apex Court as well as by this Court in various judgments that this Court has inherent power under Section 482 Cr.P.C. to quash the proceedings if there is a compromise between the parties and the purpose is to secure the ends of justice or same is in the interest of parties.

Hon'ble the Supreme Court in **B.S. Joshi and others vs. State of Haryana and another, 2003(2) RCR (Criminal) 888** has observed that in case of matrimonial dispute, the high Court may quash the proceedings where parties have settled their dispute. The duty of the Court is to encourage genuine settlements of matrimonial

disputes. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in their matrimonial life and to live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes and some time elders of the family are also involved.

Similarly, it has been held by a Larger Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052** that this Court has wide power to quash the proceedings even in non-compoundable offences in case of compromise between the parties so as to secure the ends of justice or in the interest of the parties.

Hon'ble the Supreme Court in **Madan Mohan abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429** has observed as under: -

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.”

The aforesaid judgment of **Madan Mohan Abbot's case (supra)** has also been affirmed by a larger Bench of Hon'ble the

Supreme Court in *Gian Singh vs. State of Punjab and another, 2012(4) RCR (Criminal) 543* and also in *Dimpey Gujral vs. Union Territory, Chandigarh and others, 2013(1) RCR (Criminal) 745*.

In view of the facts and law position as explained above, the present petition is allowed and impugned criminal proceedings arising out of FIR No.217 dated 12.10.2013 registered under Sections 406, 498-A and 506 IPC at Police Station Mataur, SAS Nagar, as well as subsequent proceedings arising therefrom qua the petitioners, namely, Sukhdev Singh, Neeta Gill and Jassdev Singh, are quashed.

27.08.2015
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(DAYA CHAUDHARY)
JUDGE