

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-20035 of 2014

Date of decision: May 05, 2015

Anudeep Singh

.. Petitioner

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. H.S. Dhillon, Advocate
for the petitioner.
Mr. Yogesh Gupta, AAG, Punjab.
None for respondent No.2.

Surinder Gupta, J

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.120 dated 5.6.2010 (Annexure P-1), registered for offence punishable under Sections 406/498-A/506/120-B IPC at Police Station Sadar Jagraon, District Ludhiana, on the basis of the compromise (Annexure P-2).

Heard.

The FIR was registered on the complaint of respondent No.2- Charanjit Kaur wherein she levelled allegations against the petitioner and other family members of her husband regarding her maltreatment and demand of dowry etc. It has been stated that the matter has since been compromised with the petitioner, who is the brother of her husband. The remaining accused are stating to be living abroad and declared Proclaimed Offenders.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 20.9.2014 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned State counsel has not disputed the compromise (Annexure P/2).

The only obstacle in the way of accepting the compromise for

quashing the impugned FIR is that the offence 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 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 is quashed.

May 05, 2015
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(Surinder Gupta)
Judge