

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24210 of 2014

.....

Date of decision:19.1.2015

Parminder Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Narinder S. Lucky, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.209 dated 18.8.2011 (Annexure-P.1) registered for the offences under Sections 323, 498-A and 34 IPC at Police Station Basti Bawa Khel, District Jalandhar and all subsequent proceedings arising therefrom in view of the compromise dated 6.2.2012 (Annexure-P.2).

The marriage of petitioner No.1 Parminder Singh was solemnized with complainant-Meena Rani on 30.8.2009. However, due to temperamental differences between the parties, matrimonial dispute

arose and the above said FIR was registered for the above mentioned offences against the petitioners. Now with the intervention of respectable persons and relatives, the matrimonial dispute has amicably been resolved as husband and wife have decided to part ways by filing petition seeking divorce by mutual consent and compromise (Annexure-P.2) has been entered into between the parties.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Jalandhar has sent his report dated 15.10.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Seema Rani has stated that the compromise has been effected voluntarily, without any coercion, duress or any undue influence and she does not want to proceed with the present case and has no objection if the FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their matrimonial dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.209 dated 18.8.2011 (Annexure-P.1) registered for the offences under Sections 323, 498-A and 34 IPC at Police Station Basti Bawa Khel, District Jalandhar and all subsequent proceedings arising out of the same are hereby quashed.

January 19, 2015.

(Inderjit Singh)
Judge

hsp