

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2943 of 2015 (O&M)

Date of decision: May 26, 2015

Mohd. Raza and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jai Bhagwan, Advocate
for the petitioners.

Mr. Yogesh Gupta, Asstt. AG, Punjab.

Mr. Aseem Kataria, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 of Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.83 dated 19.07.2014 (Annexure P-1), registered for offence punishable under Sections 498-A and 406 of Indian Penal Code (for short 'IPC') at Police Station City-1, Malerkotla, District Sangrur along with all consequential proceedings arising therefrom, on the basis of compromise deed (Annexure P-2).

The above mentioned FIR was registered on the statement of respondent No.2 levelling the allegations of mal-treatment and demand of dowry against the petitioners.

It has been submitted that the matrimonial dispute has since

been settled amicably and under the settlement, petitioner No.1 and respondent No.2 have taken divorce.

Upon notice, Mr. Yogesh Gupta, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State and Mr. Aseem Kataria, Advocate has put in appearance on behalf of respondent No.2-complainant.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 31.03.2015 stating therein that the compromise has been effected between the parties, which appears to be 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 deed (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 deed (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 in peace and harmony and accordingly, petitioner No.1 and respondent No.2 have taken divorce.

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.

May 26, 2015
Sachin M.

(SURINDER GUPTA)
JUDGE