

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-3189 of 2014

.....

Date of decision:29.1.2015

Sarabjit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gaurav Chopra, Advocate for the petitioners.

Mr. Amarinder Singh Klar, Assistant Advocate General,
Punjab for the respondent-State.

Mr. Munish Jolly, Advocate 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.245 dated 23.10.2007 (Annexure-P.1) registered for the offences under Sections 406, 498-A and 506 IPC at Police Station City Sri Muktsar Sahib and all subsequent proceedings arising therefrom including the impugned judgment dated 23.5.2012 (Annexure-P.2) passed by the trial Court and the proceedings pending before learned Sessions Judge, Sri Muktsar Sahib in Criminal Appeal in view of the compromise dated 6.1.2014.

The marriage of petitioner No.1 Sarabjit Singh was solemnized with complainant-Jasveer Kaur on 11.12.2006. 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. The petitioners were convicted and sentenced for the offences under Sections 406 and 498-A IPC vide judgment dated 23.5.2012 passed by learned Chief Judicial Magistrate, Sri Muktsar Sahib. The petitioners filed two appeals, which are pending before learned Sessions Judge, Sri Muktsar Sahib. During the pendency of appeals, the parties have entered into a compromise and have decided to settle their disputes as the husband and wife have decided to part ways by filing a joint petition for mutual divorce.

Therefore, they were directed to appear before learned appellate Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sessions Judge, Sri Muktsar Sahib has sent his report dated 1.8.2014 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-Jasveer Kaur has stated that she has compromised the dispute with the accused-petitioners, which is voluntary and without any pressure or coercion and also with sound disposing mind for her better future. In terms of compromise, the total settled amount is ₹15,00,000/-, out of which ₹5,00,000/- has already received by her at the time of filing of petition under Section 13-B of the Hindu Marriage Act on 22.01.2014 and on the date of recording of the

statement, ₹10,00,000/- has also been received by her in the Court and she has no objection if the aforesaid FIR and all subsequent proceedings arising out of the same and the impugned judgment are quashed/set aside. Her claim towards past, present and future stands fully satisfied and in future, she shall not claim any maintenance from her in-laws' family.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their matrimonial dispute, the State would have no objection to the quashing of the above said FIR and all the proceedings emanating therefrom 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 learned counsel for the complainant-respondent No.2 and have gone through the record.

Hon'ble Supreme Court in Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another, 2008 (2) R.C.R. (Cr.) 910, has held that proceedings after conviction can be quashed. I have gone through this judgment, wherein the First Appellate Court rejected the compromise petition stating that the offence under Section 498-A IPC is not liable of compromise. The appellants being aggrieved from the said judgment of the First Appellate Court filed three separate petitions under Section 482 Criminal Procedure Code before the High Court for quashing the proceedings pending in the Court of Second Additional District &

Sessions Judge, Gawalior. The High Court also declined to interfere in the matter. The appellants being aggrieved by the impugned judgment of the High Court have preferred the appeal. The Hon'ble Supreme Court has held that in the peculiar facts and circumstances of the case and in the interest of justice, continuation of criminal proceedings would be an abuse of the process of law. Therefore, in exercise of power under Article 142 of the Constitution, the criminal proceedings pending against the appellants emanating from the FIR were quashed.

This Court in Sube Singh and another v. State of Haryana and another, 2013 (4) R.C.R. (Cr.) 102, has held as under:-

“In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent

jurisdiction and strike down the proceedings subject to certain safeguards.”

This Court in Satya Narain v. State of Haryana, 2009 (3) R.C.R. (Cr.) 97 and Lal Chand v. The State of Haryana, 2009 (5) R.C.R. (Cr.) 838, has held that High Court is vested with unparalleled power to quash criminal proceedings at any stage to secure ends of justice. The parties have buried their hatchet, though at a belated stage, it was held, that if compromise is accepted and proceedings are quashed, it will go a long way, to create better relations between the parties. Therefore, it was observed that it is a fit case for quashing of FIR, conviction and sentence recorded by the trial Court.

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 dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled between both the parties and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, and Dr. Arvind Barsaul etc. v. State of Madhya Pradesh and another (supra) and by this Court in Sube Singh and another v. State of Haryana and another (supra), Satya Narain v. State

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of Haryana (supra), and Lal Chand v. The State of Haryana (supra), this petition is allowed and FIR No.245 dated 23.10.2007 (Annexure-P.1) registered for the offences under Sections 406, 498-A and 506 IPC at Police Station City Sri Muktsar Sahib and all subsequent proceedings arising therefrom including the impugned judgment dated 23.5.2012 (Annexure-P.2) passed by the learned trial Court are hereby quashed/set aside.

January 29, 2015.

(Inderjit Singh)
Judge

hsp