

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-40412 of 2014

Date of decision: May 27, 2015

Sarabjit Singh and others

.. Petitioners

Vs.

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Sachin Sharma, Advocate
for the petitioners.
Mr. Yogesh Gupta, AAG, Punjab.
Mr. Anandeshwar Gautam, Advocate
for respondent No.2-complainant.

Surinder Gupta, J

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.224 dated 8.10.2010 (Annexure P-1), registered for offence punishable under Sections 406/498-A/34 IPC at Police Station A Division, Amritsar, on the basis of the compromise (Annexure P-2).

As per case of prosecution, the petitioners demanded dowry and also subjected respondent No.2-complainant to cruelty.

Upon notice, Mr. Yogesh Gupta, AAG, Punjab, has put in appearance on behalf of respondent No.1-State and Mr. Anandeshwar Gautam, Advocate has put in appearance on behalf of respondent No.2-complainant.

Learned counsel for petitioners submits that the matrimonial dispute between petitioner No.1 and respondent No.2 has since been amicably settled vide compromise Annexure P-2. Under the settlement, the parties have also taken divorce.

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 13.3.2015 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 counsel for the respondent No.2-complainant has submitted that in view of the compromise (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 the compromise (Annexure P/2).

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 27, 2014
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(Surinder Gupta)
Judge