

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-41845 of 2014

.....

Date of decision:29.1.2015

Gurbakhshish Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. K.S. Boparai, Advocate for the petitioners.

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

Mr. Suvir Kumar, Advocate for the complainant-
respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.49 dated 9.4.2014 (Annexure-P.1) registered for the offences under Sections 406 and 498-A IPC at Police Station Sadar Khanna, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 12.5.2014 (Annexure-P.2).

The marriage of petitioner No.1 Gurbakhshish Singh was solemnized with complainant-Karamjit Kaur on 21.3.2012 as per Sikh

rites at Khanna. 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 common friends and the members of Panchayat, the matrimonial dispute has amicably been resolved as husband and wife have decided to part ways and have filed joint 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, Khanna has sent her report dated 16.1.2015 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 Karamjit Kaur has stated that compromise has been effected between the parties. There is nothing left to give and take from both the parties. Divorce petition has been decreed on 2.12.2014 from the Court of District Judge, Ludhiana, therefore, she has no objection if the FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for 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 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 learned counsel for complainant-respondent No.2 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.49 dated 9.4.2014 (Annexure-P.1) registered for the offences under Sections 406 and 498-A IPC at Police Station Sadar

[4]

Khanna, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.

January 29, 2015.

(Inderjit Singh)
Judge

hsp