

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-4173 of 2015

Date of Decision: 30.6.2015

Virender and Others

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Nonish Kumar, Advocate
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate
General, Haryana for respondent No.1.

Mr. Vikas Verma, Advocate
for Mr. Pankaj Bali, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 293 dated 13.4.2013, registered under Sections 406, 498-A, 323 & 506 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Civil Lines, Karnal, District Karnal and all the subsequent proceedings on the basis of the compromise deed dated 31.1.2015 (Annexure P2).

2. Vide order dated 27.4.2015, this Court has directed the parties to get their statements recorded before the learned Illaqa Magistrate. The learned Illaqa Magistrate was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate Ist Class, Karnal through the learned District & Sessions Judge, Karnal along with the copies of the statements of the parties. In the report, it is stated that the complainant-

respondent No.2 has entered into a compromise with the the petitioners of her own volition and without any sort of pressure or coercion.

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. Learned counsel for respondent No.2 has very fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 406, 498-A, 323 & 506 IPC on the complaint made by respondent No.2-Reema Chaudhary that she has been harassed and maltreated for bringing insufficient dowry at the time of marriage.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and her report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The copy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law

laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 293 dated 13.4.2013, registered under Sections 406, 498-A, 323 & 506 IPC at Police Station Civil Lines, Karnal, District Karnal and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

June 30, 2015

“DK”