

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8753 of 2015

Date of Decision: 3.7.2015

Sukhmander Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner(s).

Ms. Rimplejeet Kaur, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Sandeep Sharma, Advocate
for respondents No.2 & 3.

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. 1 dated 30.9.2010, registered under Sections 498-A of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Woman Police Station, District Bathinda and all the subsequent proceedings on the basis of the compromise deed dated 10.3.2015 (Annexure P2).

2. Vide order dated 18.3.2015, this Court has directed the parties to get their statements recorded before the trial Court. The trial Court 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, Bathinda through the learned District & Sessions Judge, Bathinda along with the copies of the statements of the parties. In the report, it is stated that keeping in view

the statements of the complainant and accused and their relationship, compromise appeared to be genuine, voluntary and without any coercion or undue influence.

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. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondents No.2 & 3 has also fairly conceded that in view of the compromise effected between the parties, the complainant & the victim have 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 498-A IPC on the complaint made by respondent No.2-Malkeet Singh that his daughter, namely Jasveer Kaur has been harassed and maltreated for not bringing sufficient dowry at the time of marriage.

7. From the statements of the complainant, his daughter 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. 1 dated 30.9.2010, registered under Sections 498-A IPC at Woman Police Station, District Bathinda 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

July 3, 2015

“DK”