

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 9189 of 2015.
Date of Decision : 19.05.2015.

Amritpal Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. B.S. Jatana, Advocate for
Mr. G.S. Nahel, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 162, dated 07.08.2014, under Sections 498-A/406 of the Indian Penal Code, registered at Police Station Sadar Dhuri, District Sangrur, on the basis of a compromise.

Since quashing of the FIR was sought on the basis of compromise, this Court while issuing notice of motion on 23.03.2015, had directed the parties to appear before the trial Court/Illaq Magistrate on 21.04.2015 for recording of their statements. Report as regards veracity of the compromise was also called for.

Placed on record is a report dated 21.04.2015 of the Judicial Magistrate Ist Class, Dhuri and a perusal of the same would reveal that the statements of the complainant, namely, Paramjit Kaur as also of the accused/present petitioners have been duly recorded and it has been opined that a compromise has been effected between the parties of their own will and accord. Report would also show that as per compromise a petition under Section 13-B of the Hindu

Marriage Act (for short 'the Act') for dissolution of marriage by mutual consent has already been filed, which is now pending before the Competent Court on 17.08.2015. The complainant Paramjit Kaur has already received a sum of ₹3 lacs from the accused i.e. the present petitioners herein and the remaining amount of ₹3 lacs, which has already been deposited in the Court, would be paid to the complainant at the time of final statement to be recorded in the petition under Section 13-B of the Act.

A Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Adverting back to the facts of the present case, wherein the matrimonial dispute between the parties has resulted in a final decision of parting ways amicably, it would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, the present petition is allowed. Impugned FIR No. 162, dated 07.08.2014, under Sections 498-A/406 of the Indian Penal Code, registered at Police Station Sadar Dhuri, District Sangrur and all proceedings emanating therefrom stand quashed.

Petition allowed.

May 19, 2015.
kanchan

(TEJINDER SINGH DHINDSA)
JUDGE