

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-4161-SB of 2013 (O&M)

Date of decision: 11.08.2016

Yudhvir Singh

..... Appellant

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Munish Puri, Advocate
for the appellant.

Ms. Manjari Nehru Kaul, Addl. A.G.Punjab.

Mr. D.S.Kahlon, Advocate
for the complainant.

M. JEYAPPAUL,J.(ORAL)

CRM-24418-2016

Applicant is permitted to place on record Annexures A7 and A8
i.e. decree of divorce passed by the trial Court under Section 13-B of the
Hindu Marriage Act and the affidavit suffered by the complainant, who was
the wife of appellant-Yudhvir Singh.

CM stands disposed of.

CRM-24419-2016

Appellant-Yudhvir Singh and complainant Renu Bala have
jointly preferred the application invoking Section 320 read with Section 482
Cr.P.C.,for compounding of offence under Section 498-A IPC on the basis
of compromise arrived at between them in FIR No. 173 of 16.08.2006 under
Sections 313, 498-A, 406 IPC at Police Station Sadar Pathankot.

Heard the submissions made by learned counsel for the
appellant, learned counsel for the State and learned counsel for the

complainant.

Renu Bala filed a complaint in FIR No. 173 of 16.08.2006 under Sections 313, 498-A, 406 IPC registered at Police Station Sadar Pathankot.

Appellant- Yudhvir Singh was convicted under Section 498-A IPC and was sentenced to undergo for a period of 2 years and to pay a fine of ₹25,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 3 months.

It is not out of place to mention here that appellant-Yudhvir Singh was acquitted of the charge under Sections 313 and 406 IPC. The appeal preferred by Renu Bala against such acquittal recorded, was dismissed as withdrawn, in view of the compromise entered into between them.

The fact remains that appellant-Yudhvir Singh and Renu Bala have entered into a compromise and amicably settled their matrimonial discord. Annexure A7, judgment passed in a petition filed under Section 13-B of the Hindu marriage Act appended alongwith this application, discloses that appellant-Yudhvir Singh and Renu Bala having amicably settled their matrimonial dispute got divorce by mutual consent.

Of course, this application is filed for compounding of offence under Section 498-A IPC but on perusal of Sections 320 of Cr.P.C., we find that the above offence is not compoundable even on the permission of the Court.

A Co-ordinate Bench of this Court passed judgment in **Sube Singh and another Vs. State of Haryan and another, 2013 (4) RCR (Criminal) 102**, wherein, it is held that the High Court is vested with

unparrallel power to quash criminal proceedings at any stage to secure ends of justice. In another words, even conviction was recorded, the High Court had got vast power under Section 482 of the Code of Criminal Procedure to quash the proceedings.

Inasmuch as both the parties have compromised the dispute as disclosed in the affidavit suffered by Renu Bala and as they have also got divorce by mutual consent as per Anneuxre A7 on the basis of the compromise entered into between them, we are of the considered view that proceedings in FIR No. 173 of 16.08.2006 under Sections 313, 498-A and 406 IPC registered at Police Station Sadar Pathankot, which culminated in filing of this appeal have to be quashed to enable the parties to part their ways and live their life on their own terms.

In view of the above, the proceedings in FIR No. 173 of 16.08.2006 under Sections 313, 498-A, 406 IPC registered at Police Station Sadar Pathankot, which culminated in conviction as stated supra are quashed and the application is disposed of accordingly.

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The entire criminal proceedings in FIR No. 173 of 16.08.2006 under Sections 313, 498-A, 406 IPC registered at Police Station Sadar Pathankot, which culminated in conviction were quashed as per the order passed in CRM-24419-2016. Therefore the appeal becomes infurctuous and stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

11.08.2016
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(SNEH PRASHAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No