

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-29263 of 2015

Date of Decision: 22.04.2016

Satnam Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sarbjit Singh Grewal, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. L.S. Sidhu, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.57 dated 30.05.2010 registered under Sections 406/498-A IPC at Police Station Jhunir, District Mansa along with all consequential proceedings arising therefrom, on the basis of compromise.

Said FIR was registered on the basis of complaint made by respondent No.2. Certain allegations of demand of dowry and harassment were alleged in the complaint. Petitioner faced trial before the trial Court and was convicted and sentenced vide judgment dated 04.07.2015 passed by the Sub Divisional Judicial Magistrate, Sardulgarh for offence punishable under Section 498-A IPC for a period of three years with fine of ₹ 5000/- along with default clause.

Aggrieved by the judgment of conviction and order of sentence

of the trial Court, the petitioner filed Criminal Appeal No.154 dated 23.07.2015 before the Appellate Court. However, during pendency of the appeal, the matter was amicably settled as the petitioner tendered apology to respondent No.2. Complainant has stated before the Appellate Court that she has no objection in quashing of criminal proceedings against the petitioner-husband.

Learned counsel for the petitioner submits that the compromise has been arrived at between the parties before the Appellate Court and the offences are non-compoundable. Complainant has no objection in quashing of FIR as well as other criminal proceedings arising therefrom even after conviction of the petitioner. As per compromise arrived at between the parties, the present petition has been filed for quashing of FIR as well as judgment of conviction and sentence during pendency of the appeal, wherein, notice of motion was issued on 24.09.2015.

As per directions issued by this Court on 24.09.2015, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. After recording the statements of the parties, a report has also been sent by District and Sessions Judge, Mansa, wherein, it has been mentioned that complainant-respondent No.2- Jaswinder Kaur has specifically stated in her statement that she has no objection in quashing of the criminal proceedings. The compromise arrived at between the parties is as per free will and without any pressure from either side.

Learned counsel appearing on behalf of respondent No.2 has also not disputed the submissions made by learned counsel for the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including statements

of the parties recorded in pursuance of directions issued by this Court on 24.09.2015.

Admittedly, the FIR, in question, was registered under Sections 406/498-A IPC against husband-Satnam Singh (the present petitioner), Nirmal Singh (brother-in-law) and Hardev Kaur (mother-in-law) of respondent No.2. The challan was presented against all said persons and hence, they faced trial. Accused Nirmal Singh (brother-in-law) and Hardev Kaur (mother-in-law) were acquitted of the charge framed against them but Satnam Singh (the present petitioner) was held guilty and convicted for offence punishable under Section 498-A IPC vide judgment of the trial Court and was sentenced to undergo simple imprisonment for a period of three years with fine of ₹ 5,000/- with default clause.

Aggrieved by said judgment of conviction and order of sentence, the petitioner filed Criminal Appeal No.154 dated 23.07.2015. However, during pendency of the appeal, a compromise was arrived at between the parties. In view of the said compromise arrived at between the parties, the present petition has been filed for quashing of criminal proceedings including the judgment of conviction. As per directions issued by this Court, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of criminal proceedings initiated against the petitioner.

It is a case of matrimonial dispute and the same has been settled during pendency of the appeal. This Court has power under Section 482 Cr.P.C to quash the criminal proceedings, in case, the same is in the interest of the parties and to meet out the ends of justice.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has also observed that the

proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

In the present case, the compromise has been effected between the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in any manner. The purpose of compromise is to maintain peace and harmony in the relations.

Accordingly, the present petition is allowed and FIR No.57 dated 30.05.2010 registered under Sections 406/498-A IPC at Police Station Jhunir, District Mansa along with all consequential proceedings arising therefrom, qua petitioner Satnam Singh are hereby quashed.

22.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE