

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

**CRM-M-17378-2017
Date of decision-27.11.2017**

Kuldeep Singh and another

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Ms. Anju Arora, Addl.AG, Punjab.

None for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.217 dated 27.12.2009 registered under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC'), at Police Station Division No.5, District Jalandhar and for setting aside the judgment and order dated 02.09.2015 passed by Judicial Magistrate First Class, Jalandhar and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Vide orders dated 18.05.2017 and 05.07.2017, the parties were directed to appear before the Appellate Court/trial Court/Illaq Magistrate, for getting their statements recorded. In compliance thereof, report of Judicial Magistrate First Class, Jalandhar dated 02.08.2017, has been received, wherein, it has been noticed that the compromise between the

parties is genuine, voluntary and reached without any pressure and undue influence.

Learned counsel for the petitioners relies on (i) ***Gian Singh vs. State of Punjab and another, 2012(4) RCR (Criminal) 543;***(ii) ***Sube Singh and another vs. State of Haryana and another (2013) 4 RCR (Criminal) 102 (DB) and;*** (iii) ***Vinod Kumar Ohri and others vs. State of Punjab and another CRM M-10970 of 2017 decided on September 18, 2017,*** to contend that the FIR can be quashed even after the conviction has been recorded by the trial Court.

On the other hand, the learned State counsel opposes the prayer of the learned counsel for the petitioners and submits that after a judgment of conviction has been passed, the FIR cannot be quashed.

Hon'ble the Supreme Court in ***Manohar Singh vs. State of Madhya Pradesh 2014 (3) RCR 685*** has held as under:-

“In this case, the appellant is convicted under Section 498-A of the IPC and sentenced to undergo six months imprisonment. He is convicted under Section 4 of the Dowry Act and sentenced to undergo six months imprisonment. Substantive sentences are to run concurrently. Even though the appellant and respondent No. 2-wife have arrived at a compromise, the order of conviction cannot be quashed on that ground because the offences involved are non compoundable. However, in such a situation if the court feels that the parties have a real desire to bury the hatchet in the interest of peace, it can reduce the sentence of the accused to the sentence already undergone. Section 498-A of the IPC does not prescribe any minimum punishment. Section 4 of the Dowry Act prescribes minimum punishment of six months but proviso thereto states that the Court may, for adequate or special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which may be less than six months. Therefore, sentence of the appellant can be reduced to sentence already

undergone by him.”

Hence, in view of the report dated 02.08.2017 of Judicial Magistrate First Class, Jalandhar made in pursuance of the orders dated 18.05.2017 and 05.07.2017 passed by this Court, and the guidelines laid down by Hon'ble the Supreme Court, this Court feels that no useful purpose would be served in keeping the proceedings alive. It will be in the interest of justice, if the settlement reached between the parties is accepted.

Accordingly, the impugned judgment of conviction dated 02.09.2015 is upheld. However, the order of sentence dated 02.09.2015 is modified to the extent that the petitioners are sentenced to pay fine of Rs.10,000/- each. The amount of fine so deposited shall be paid to the prosecutrix as compensation. In case the payment is not made within two months from today, the present petition would be deemed to be dismissed without any further notice.

The petition stands disposed of accordingly.

(JITENDRA CHAUHAN)
JUDGE

27.11.2017

vanita/atulsethi

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No