

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

CRM-M-35867-2017

Date of decision: 20.11.2017

Sarabjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Ritesh Pandey, Advocate for the petitioner

Mrs.Anju Arora, Addl.AG, Punjab

None for respondent Nos. 2 and 3

JITENDRA CHAUHAN, J.

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.21 dated 13.3.2014 registered under Section 354-D at Police Station Kahnuwan, District Gurdaspur and for setting aside the judgment and order dated 2.2.2017 passed by Judicial Magistrate, 1st Class, Gurdaspur and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Vide order dated 23.10.2017, the parties were directed to appear before the Appellate Court, for getting their statements recorded. In compliance thereof, report of Additional Sessions Judge, Gurdaspur dated 9.11.2017, has been received, wherein, it has been noticed that the compromise between the parties is without any coercion or undue

influence.

Learned counsel for the petitioner 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 petitioner 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 of Additional Sessions Judge, Gurdaspur, dated 13.10.2017 made in pursuance of the order dated 9.11.2017 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 2.2.2017 is upheld. However, the order of sentence of even date is modified to the extent that the petitioner is sentenced to pay fine of Rs.25,000/-. The amount of fine so deposited shall be paid to the victim/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.

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20.11.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Yes / No

Yes / No