

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

**CRM-M-37951-2017
Date of decision-14.12.2017**

Surinderpal Singh and others		...Petitioners
	Vs.	
State of Punjab and another		...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S.Grewal, 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 Complaint No.RT-4 dated 29.04.2016 instituted on 01.09.2009 registered under Sections 498-A, 323, 506, 109 and 120-B of the Indian Penal Code (in short 'IPC'), summoned under Section 498-A of IPC and for setting aside the judgment and order dated 15.12.2016 (Annexure P-2) passed by Judicial Magistrate First Class, Rupnagar and all consequential proceedings arising therefrom, on the basis of compromise dated 20.09.2017 (Annexure P-4).

Vide order dated 28.11.2017, the parties were directed to appear before the Appellate Court, for getting their statements recorded. In compliance thereof, report of Additional Sessions Judge, Rupnagar dated 08.12.2017, 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 states that though one of the accused, namely, Manjit Singh/husband of the complainant has been declared a proclaimed offender, however, compromise has been reached qua him as well. Co-accused Manjit Singh is not in contact with either of the petitioners or with respondent No.2.

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 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 Addl. Sessions Judge, Rupnagar dated 08.12.2017 made in pursuance of the order dated 28.11.2017, 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.

It has also surfaced that co-accused is not involved in any other FIR. Considering the fact that the marriage in question was solemnized in the year 1996 and whereabouts of the accused-Manjit Singh are not known, the Court is inclined to accept the compromise reached between the parties qua the petitioners.

Accordingly, in the circumstances, the impugned judgment of conviction dated 15.12.2016 is upheld. However, the order of sentence dated 15.12.2016 is modified to the extent that the sentence awarded to the petitioners by the trial Court is ordered to be reduced to the period already undergone by them in this case. Further, the petitioners are directed to pay a sum of Rs.15,000/- each as fine which shall be deposited with District Legal Services Authority, Ropar within 45 days after the receipt of certified copy of this order. It is made clear that if the amount is not paid within the

stipulated period, the present petition shall be deemed to be dismissed without any further notice.

The petition stands disposed of accordingly.

(JITENDRA CHAUHAN)
JUDGE

14.12.2017

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