

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44518-2017 (O&M)
Date of decision-12.12.2017

Lakhwinder Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.C.Sharma, Advocate for
Mr. B.S.Jaswal, Advocate for the petitioner.

Ms. Anju Arora, Addl.AG, Punjab assisted by
ASI Amarjeet Singh.

None for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

CRM-40058-2017

Application is allowed as prayed for.

CRM-M-44518-2017

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.113 dated 25.03.2008 registered under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC'), at Police Station B-Division, District Amritsar and for setting aside the judgment and order dated 13.09.2013 passed by Judicial Magistrate First Class, Amritsar and all consequential proceedings arising therefrom, on the basis of compromise dated 18.11.2017 (Annexure P-3).

Vide order dated 22.11.2017, the parties were directed to appear before the Appellate Court, for getting their statements recorded. In compliance thereof, report of District & Sessions Judge, Amritsar dated

29.11.2017, 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 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 District & Sessions Judge, Amritsar, dated 29.11.2017 made in pursuance of the order dated 22.11.2017, 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, in the circumstances, the impugned judgment of conviction dated 13.09.2013 is upheld. However, the order of sentence dated 13.09.2013 is modified to the extent that the sentence awarded to the petitioner by the trial Court is ordered to be reduced to the period already undergone by him in this case. Further, the petitioner is directed to pay a sum of Rs.25,000/- as fine which shall be paid as compensation to respondent No.2 within two months after the receipt of certified copy of this order. It is made clear that if the amount of compensation 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.

Registry is directed to send a copy of this order to respondent No.2.

(JITENDRA CHAUHAN)
JUDGE

12.12.2017

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No