

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

Crl. Misc. No. M-8645 of 2017

Date of decision : 08.05.2017

Deepak Kumar & ors.

.....Petitioners

versus

Ashu Rani and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Khivia, Advocate for the petitioner

Mr. Amandeep Kansa, Advocate for respondent No. 1

Mr. Jaspreet Sekhon, AAG, Punjab

RITU BAHRI, J. (Oral)

Quashing of criminal complaint No. 78 dated 27.05.2009 under Sections 406/498-A IPC (Annexure P-1), summoning order dated 04.03.2014 (Annexure P-2), charge sheet dated 13.03.2014 (Annexure P-3) and judgment of conviction and order of sentence dated 03.06.2014 (Annexure P-4), is being sought on the basis of compromise deed dated 26.12.2014 (P-6)

Respondent No. 2 got married to petitioner No. 1 on 13.10.2002. Due to temperamental differences, both the parties could not live together as husband and wife. The relationship between them became strained and complaint was registered against the petitioners on account of harassment and humiliation caused by the petitioners on the pretext of bringing less dowry.

Thereafter, petitioners were summoned to face trial under Sections 406/498-A IPC, as per summoning order (Annexure P-2) and charges were framed vide order dated 13.03.2014 (Annexure P-3).

After this, the petitioners were convicted by the learned trial Court under Section 406 IPC vide judgment dated 03.06.2017, petitioners preferred an appeal, which was pending the learned Lower Appellate Court.

During the pendency of the appeal, the matter has now been duly compromised, vide compromise deed dated 26.12.2014 (P-6).

In compliance of order dated 15.03.2017, report dated 30.03.2017 of Addl. District and Sessions Judge, Mansa has been received in this regard. As per report, statement of parties have been recorded. The complainant stated that the matter stands compromised between the parties and she does not want to proceed further against the accused and has no objection, if the present complaint be quashed against the petitioner and the judgment of conviction be set aside. The compromise has been entered voluntarily. To the same effect is the statements given by petitioners.

Consequently, in view of the status report dated 30.03.2017 and in view of the judgment of the Hon'ble Supreme Court in the case of ***Dr. Arvind Barsaul etc. versus State of Madhya Pradesh and another 2008(2) RCR (Criminal) 910***, no useful purpose would be served in prolonging the litigation.

Reference at this stage can be made to judgments of this Court in cases of ***Pawan Kumar v. State of Haryana and another, 2016(2) RCR Crl 176 and Sube Singh and another v. State of Haryana and another, 2013(4) RCR Crl. 102*** wherein it has been held that High Court has the vested unparallel power to quash criminal proceedings at any stage to secure ends of justice.

Accordingly, criminal complaint No. 78 dated 27.05.2009 under Sections 406/498-A IPC (Annexure P-1), summoning order dated

04.03.2014 (Annexure P-2), charge sheet dated 13.03.2014 (Annexure P-3) and judgment of conviction and order of sentence dated 03.06.2014 (Annexure P-4) are quashed along with all consequential proceedings arising therefrom qua petitioners. Petitioners are acquitted of the charges framed against them.

The petition stands disposed of.

08.05.2017
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>