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

CRR-228-2011 (O&M)

Date of decision-12.11.2018

Chap Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manav Satija, Advocate for
Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. M.K. Sangwan, DAG, Haryana.

None for respondent No.2-complainant.

MANOJ BAJAJ, J.

Convict-Chap Singh has preferred this criminal revision against the judgment dated 15.12.2010 passed by Appellate Court in Criminal Appeal No.84 of 2009 whereby judgment of conviction dated 06.10.2009 passed by trial Court was upheld, however, the order of sentence was modified by reducing it to two years. The other co-accused i.e. parents of Chap Singh already stood acquitted by the trial Court.

This petition arises from case FIR No.81 dated 21.05.2005 under Sections 498-A, 406, 506, 323 and 34 of Indian Penal Code registered at Police Station Sadar, Sonapat on the basis of complaint given by Rajesh-respondent No.2.

On 28.01.2011, the notice of motion was issued to the

respondents-State as well as the complainant on the ground that the petitioner is willing to amicably resolve the dispute. Thereafter, respondent No.2 was represented by Mr. Anil Bhardwaj, Advocate.

Lastly this case was taken up on 27.09.2011 and the parties were present in the Court. During the course of hearing, complainant, namely, Rajesh had apprised the Court that indeed the compromise has taken place and the parties are now living together and there is no grievance left between them.

In “**B.S.Joshi and others Vs. State of Haryana and another**”, **2003 (2) R.C.R. (Criminal) 888**, Hon'ble the Supreme Court has considered the importance of compromise between the parties who had indulged into the matrimonial dispute. The relevant observations are extracted below:-

“The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad & Ors. [(2000) 3 SCC 693] are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as

accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.

The compromise is nearly seven years old and there is no application of any kind on behalf of the parties indicating any breach or withdrawal of the compromise. Since the offence punishable under Section 498-A IPC is arising out of a matrimonial dispute and the parties who are now living together, therefore, it would be inappropriate to maintain the conviction at this stage. The very object of Section 498-A as inserted in the Indian Penal Code is to punish the husband or his relatives as the case may be, in case of harassment or torture to the wife on account of demand of dowry. As the parties have resolved their dispute and the complainant too has condoned the alleged offence as committed by the petitioner punishable under Section 498-A, therefore, it would be in the interest of the parties to accept the compromise and set aside the judgment of conviction dated 15.12.2010.

Considering the compromise and the status of the parties who are living together, the impugned judgment of conviction and order of sentence dated 15.12.2010 passed by Appellate Court in Criminal Appeal No.84 of 2009 are set aside and the FIR be treated as inconsequential.

The bail bond executed by the petitioner shall stand discharged.

(MANOJ BAJAJ)
JUDGE

12.11.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No