

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

Crl. Revision No. 1652 of 2016 (O&M)

Date of decision: 24.9.2018

Maingal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. L.S. Sidhu, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. This is a revision that has been filed under Section 401 of the Code of Criminal Procedure seeking for setting aside the judgment dated 21.4.2016 passed by the Additional Sessions Judge, Sangrur, vide which the judgment of conviction and order of sentence dated 20.5.2014 passed by the Sub Divisional Judicial Magistrate, Sunam, in FIR No. 261 dated 28.9.2005 registered under Section 406/498-A IPC at Police Station Sunam, District Sangrur, convicting the petitioner under Section 498-A/406 IPC and sentencing him to undergo imprisonment for a period of two years, has been upheld.

2. The facts in brief are that the aforesaid FIR was registered on the statement of complainant—Harjinder Kaur, wherein she alleged that her

marriage was performed with the petitioner—Maingal Singh in the month of March, 2001 and at the time of their marriage an amount of ₹4 lakh was spent by her father and out of the wedlock one daughter Harinder Kaur was born; that at the time of marriage, a gold karra, a gold chain, a gold ring, cash amount of ₹50,000/-, a double bed set, sofa set, almirah and other items were given to the petitioner. Various other allegations of demand of dowry and harassment were also levelled.

3. After completion of investigation, challan was presented, charges were framed and the petitioner was put on trial. The trial court vide judgment dated 20.5.2014 held the petitioners guilty and convicted him for the offences he was charged with and sentenced him to undergo rigorous imprisonment substantially for a period of two years under Sections 498-A/406 IPC. The aforesaid judgment was challenged in appeal and the Additional Sessions Judge, Sangrur upheld the conviction, as already noticed.

4. During the pendency of the revision in this Court, on 31.7.2018, learned counsel for the petitioner contended that the matter was referred to the Mediation and Conciliation Centre of this Court, wherein the parties have compromised the matter and in terms of the said compromise, a petition under Section 13-B of the Hindu Marriage Act for mutual consent was filed and divorce has already been granted to the petitioner and the complainant. It was argued that in terms of the compromise, the petitioner (Maingal Singh) has paid a sum of ₹22,50,000/- to the complainant and, therefore, the proceedings under the FIR ought to be quashed.

5. In view of the above statement that the parties have entered into a compromise, they were directed to appear before trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Sub Divisional Judicial Magistrate, Sunam, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

6. Learned counsel for the respondent—State submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

7. I have heard learned counsel for the parties and have gone through the record. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society.

8. In **Sube Singh Versus State of Haryana 2013 (4) RCR (Criminal) 102**, a Division bench of this Court was seized of a question whether inherent power under Section 482 Criminal Procedure Code could be exercised to quash criminal proceedings on the basis of a compromise entered into between the parties, even if the accused had been held guilty and convicted by the trial court. It was held in para 17 *that''the magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code is with a view to prevent the abuse of law or to secure the ends of Justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable*

offences notwithstanding the bar under section 320 criminal procedure code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking such power is fully justified on facts and circumstances of the case.' After ascertaining the genuineness of the compromise between the parties and the settlement agreed upon, the Division Bench allowed the appeal preferred and set aside the conviction.

9. Similar is the case in hand. The parties have compromised the matter after conviction. To secure the ends of justice and in the interest of all concerned, this is a fit case to invoke inherent jurisdiction of this Court and quash the FIR registered against the petitioner.

10. Therefore, the revision is allowed and No. 261 dated 28.9.2005 registered under Section 406/498-A IPC at Police Station Sunam, District Sangrur, and all subsequent proceedings arising out of the same are quashed. The judgment dated 21.4.2016 passed by the Additional Sessions Judge, Sangrur, vide which the judgment of conviction and order of sentence dated 20.5.2014 passed by the Sub Divisional Judicial Magistrate, Sunam, in aforesaid FIR, convicting the petitioner under Section 498-A/406 IPC and sentencing him to undergo imprisonment for a period of two years, has been upheld are set aside on the basis of the compromise.

24.9.2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No