

In the High Court of Punjab and Haryana at Chandigarh

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CRR-348-2017 (O & M)

Date of Decision: August 20, 2019

SUMAN DEVI AND ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Petitioner No.1 is present in person.

None for petitioner No.2.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Vikramjeet Singh, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the judgments of the Courts below whereby the petitioners have been convicted under Sections 317 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹500/-.

The petitioner No.1-Suman Devi is the wife of the complainant-Om Parkash while petitioner No.2-Prema Devi is mother-in-law of the complainant and mother of petitioner No.1.

The allegations in the FIR are that the petitioners, who were looking after the children of the complainant and petitioner No.1 had abandoned the children, who were in the age group of 2 to 6 years. Petitioner No.1, who is present in Court and has been identified by the counsel for the

complainant, submits that the matter has now been compromised and she is happily residing in her matrimonial home with the complainant.

Learned counsel for the complainant contends that the offence may be compounded. The petitioners have undergone four months out of the total sentence of two years. He has also referred to the affidavit which has been filed by the complainant wherein it is stated that the matter has indeed been compromised and in the interest of their matrimonial life and welfare of the children, the offence may be compounded. He also contends that the petitioner No.1 and the complainant are residing in the matrimonial home along with children. He also cited the judgment of this Court in Sube Singh and another v. State of Haryana and another, 2013 (4) RCR (Criminal) 102, wherein it has been held that in the event of the parties having compromised the matter and living peacefully, this Court may compound the offence to put quietus to the litigation.

The allegations levelled by the complainant were for abandonment of the children by his wife and her mother. The husband and the wife along with the children are residing happily at present. The continuation of criminal proceedings may disturb the domestic peace and jeopardise the well being of the children. It would thus be in the interest of justice to put quietus to the litigation.

Consequently, the petition is allowed. The judgments and orders passed by the Courts below stand set aside. The petitioners are acquitted of the charges.

(ANUPINDER SINGH GREWAL)
JUDGE

August 20, 2019

A.Kaundal

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