

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

CRM-M No.5203 of 2019 (O&M)

Date of Decision.25.02.2020

Daljit Singh and another

...Petitioners

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.S. Swaich, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. A.S. Dhindsa, Advocate
for respondents No.2 and 3.

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JAISHREE THAKUR J. (ORAL)

1. This is a petition that has been filed under Section 482 Cr.P.C. for quashing of FIR No.136 dated 08.10.2010 under Sections 406, 498-A IPC registered at Police Station Sadar Rupnagar, District Rupnagar (Annexure P-1) and all the subsequent proceedings including the judgment of conviction and order of sentence dated 06.11.2017 under Section 498-A IPC passed by the Chief Judicial Magistrate, Rupnagar on the basis of compromise dated 10.01.2019 (Annexure P-4).

2. The facts in brief are that an FIR bearing No.136 dated 08.10.2010 was registered at Police Station Sadar Rupnagar under Sections 406, 498-A IPC on the statement of Daljit Singh, wherein he had stated that his elder daughter Gurdeep Kaur was married with Daljit Singh on 29.01.2010. At the time marriage, many gifts were given to Gurdeep Kaur as *ishtridhan* and Daljit Singh, petitioner No.1 herein, was given 3 tolas gold chain, 3 tolas gold bracelet, one gold ring measuring 5 gm and one

wrist watch whereas petitioner No.2 Manjit Kaur was given a pair of gold ring measuring 1 tola besides other gold items to relatives of petitioners. Apart from that, one motor cycle make Hero Honda Passion, refrigerator, colour television, washing machine and furniture were also given. After 10 days of marriage, family members of in-laws of Gurdeep Kaur started taunting her for bringing less dowry and husband of Gurdeep Kaur i.e. petitioner No.1 started demanding car. They started mounting pressure on her either to fulfill their demands or to give divorce to petitioner No.1 and gave her beatings. After one month of marriage when Gurdeep Kaur came to her paternal place, she disclosed all such things. Father-in-law of Gurdeep Kaur died on 23.05.2010 when the complainant visited matrimonial place of her daughter Gurdeep Kaur, he was told that all family members used to maltreat her. Complainant brought her daughter with him. Thereafter, the complainant along with panchayat member visited matrimonial place of her daughter and requested for reconciliation but accused persons refused to do so and left with no other option, the matter was reported to police.

3. After completion of investigation and presentation of challan, petitioners herein were charge-sheeted under Sections 406 and 498-A IPC to which they pleaded not guilty and hence, trial commenced. The trial Court vide judgment dated 06.11.2017 held the petitioners guilty for committing offence under Section 498-A and sentenced to undergo RI for one year vide order of even date. The aforesaid judgment has been challenged before the Additional Sessions Judge, Rupnagar.

4. During the pendency of the criminal appeal, the present petition has been filed stating that the matter has been compromised between the

parties. Keeping in view the fact 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 Judicial Magistrate First Class, Rupnagar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. 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.

6. 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.

7. 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.

8. 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 under Section 482 Cr.P.C and quash the FIR registered against the appellant herein.

9. Therefore, this petition is allowed and FIR No.136 dated 08.10.2010 and all subsequent proceedings arising out of the same are quashed. The impugned judgment of conviction and order of sentence dated 06.11.2017 passed by the Chief Judicial Magistrate vide which the petitioners have been convicted and sentenced for the offence under Section 498-A IPC for a period of 1 year is set aside on the basis of the compromise.

10. The instant petition is disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

February 25, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No