

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

CRM No.30178 of 2019 in/and
CRA-S-2746-SB-2013 (O&M)
Date of Decision.22.01.2020

Tarlochan Singh

...Appellant

Vs

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Chandan Singh Rana, Advocate
for the appellant.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Karan Padam, Advocate
for respondent No.2.

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JAISHREE THAKUR J. (ORAL)

1. This is a petition that has been filed under Section 482 Cr.P.C. to compound the offence on the basis of compromise dated 20.09.2019 (Annexure A-1).

2. The facts in brief are that an FIR bearing No.69 dated 24.08.2011 was registered at Police Station Bhadson under Section 306 on the statement of Didar Singh, wherein he had stated that her sister Netar Kaur was married to the appellant-Tarlochan Singh and even after 18 years of marriage, no child was born out of the wedlock and due to the said reason, Tarlochan Singh had maltreated her. He developed illicit relation with Harpreet Kaur, who was none other than younger sister of Netar Kaur and Didar Singh and after separation of Harpreet Kaur with her husband, Tarlochan Singh started living with her in a rented accommodation.

Thereafter, Tarlochan Singh had thrown out Netar Kaur from the house and

she started living at her parental home. She gave a complaint to the Women Cell where a compromise was effected and Tarlochan Singh took Netar Kaur with him to his village. Netar Kaur told Didar Singh and his elder brother Nirmal Singh many times on telephone that Tarlochan Singh in connivance with Harpreet Kaur used to maltreat her and tortured her by stating that he would live with Harpreet Kaur for his whole life as she had failed to give birth to any child. On 23.8.2011 at about 5 PM, Karamjit Singh son of Kirpal Singh informed Didar Singh that his sister Netar Kaur was lying admitted for the last 2/3 days in Rajindra Hospital, Patiala due to consumption of some poisonous substance and died thereafter.

3. After completion of investigation and presentation of challan, appellant herein was charge-sheeted under Section 306 and 498-A IPC to which he pleaded not guilty and hence, trial commenced. However, the other accused namely Harpreet Kaur, sister of deceased was declared as Proclaimed Offender. The trial Court vide judgment dated 30.07.2013 though not found him guilty for commission of offence under Section 306 IPC, but held the appellant guilty of offence under Section 498-A and sentenced him to undergo rigorous imprisonment for two years. The aforesaid judgment has been challenged in the instant appeal before this Court.

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 Additional Sessions Judge, Patiala 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.69 dated 24.08.2011 and all subsequent proceedings arising out of the same are quashed. The impugned judgment of conviction and order of sentence dated 30.07.2013 passed by the Additional Sessions Judge, Patiala which the appellant has been convicted and sentenced for the offence under Section 498-A IPC for a period of 2 years is set aside on the basis of the compromise.

10. The appeal is disposed of in above terms.

**(JAISHREE THAKUR)
JUDGE**

January 22, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No