

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16623 of 2018
Date of Decision:16.03.2020

Shashi Sharma and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Suresh Kumar Arya, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Anshul Gupta, Advocate
for respondent No.2.

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JAISHREE THAKUR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.162 dated 26.12.2013 registered under Sections 323, 406, 498-A, 506, 120-B Indian Penal Code at Police Station Kalka, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

2. In brief, the facts of the case are that on 11.02.2020, respondent No.2 had solemnized marriage with petitioner No.1 and petitioners No.2 and 3 are her father-in-law and mother-in-law respectively. At the time of marriage sufficient dowry had been given to petitioners, however, two months after the marriage, they started taunting, humiliating and insulting respondent No.2 for bringing dowry articles of inferior quality and pressurizing her to bring a motor cycle and ₹6 lakhs cash from her mother.

Upon narrating the whole incident to her mother, a sum of ₹1 lakh was given to petitioner No.1 by her mother. However, petitioner No.1 continued to abuse her on account of demand of money. At the time of pregnancy of respondent No.2, petitioner No.1 tortured her to bring ₹30,000/- from her mother. When respondent No.2 had expressed her inability to fulfill said demand, she was beaten by petitioner No.1. The mother of respondent No.2 took the complainant to Kalka and incurred all her medical expenses. On 12.09.2012, petitioners had given beatings to respondent No.2 and threw her out of the matrimonial home. After a panchayati compromise, respondent No.2 returned to her matrimonial home but petitioners had again started beating, taunting and harassing her for demand of dowry. On 25.07.2013, petitioners threw her out from matrimonial house, resulting into filing of the FIR.

3. After completion of investigation and presentation of challan, petitioners herein were charge-sheeted under Sections 120-B, 323, 406, 498-A, 506 IPC to which they pleaded not guilty and hence, trial commenced. The trial Court vide judgment dated 01.06.2017 held the petitioners guilty for committing offence under Sections 323, 498-A and 506 IPC read with Section 34 IPC and sentenced to undergo RI for two years vide order of even date. The aforesaid judgment has been challenged before the Additional Sessions Judge, Panchkula.

4. During the pendency of the criminal appeal, the present petition has been filed stating that the matter has been compromised between the parties. However, this Court vide order dated 01.04.2019 while noting the fact that parties were at loggerheads over the settlement, referred the matter

to the Mediation and Conciliation Centre of this Court where a compromise has been entered into between the parties.

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.162 dated 26.12.2013 and all subsequent proceedings arising out of the same are quashed. The impugned judgment of conviction and order of sentence dated 01.06.2017 passed by the Sub Divisional Judicial Magistrate, Kalka vide which the petitioners have been convicted and sentenced for the offence under Sections 323, 498-A, 506 read with Section 34 IPC for a period of two years is set aside on the basis of the compromise.

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

(JAISHREE THAKUR)
JUDGE

March 16, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No