

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

CRM-M No.24700 of 2019 (O&M)
Date of Decision.22.01.2020

Balvinder Pal

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Rohit Kaushik, 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. for quashing of FIR No.140 dated 18.04.2014 registered under Sections 498A, 506, 323, 34 IPC at Police Station Sadar Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom and the impugned judgment of conviction and the order of sentence dated 26.11.2018/29.11.2018 (Annexure P-2) passed by the Chief Judicial Magistrate, Sirsa vide which the petitioner has been convicted and sentenced to undergo two years rigorous imprisonment, on the basis of compromise dated 26.04.2019 (Annexure P-4).

2. The facts in brief are that the aforesaid FIR was registered on the statement of complainant-Veerpal Kaur d/o Dharam Pal, respondent No.2, wherein she alleged torture and harassment on account of demand of dowry, while further alleging misappropriation of her *Ishtnidhan*.

3. After completion of investigation and presentation of challan, petitioner was charge-sheeted under Sections 498-A, 323, 506 read with Section 34 IPC to which they pleaded not guilty and hence, trial commenced. The trial Court vide judgment dated 26.11.2018 held the petitioner guilty of offences under Section 498-A, 323 read with Section 34 IPC and vide order dated 29.11.2018 sentenced him substantially for a period of two years under Section 498-A, 323 read with Section 34 IPC . The aforesaid judgment has been challenged in the appeal before the Additional Sessions Judge, Sirsa, which is stated to be pending.

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 Chief Judicial Magistrate, Sirsa 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 petitioners.

9. Therefore, this petition is allowed and FIR No.140 dated 18.04.2014 and all subsequent proceedings arising out of the same are quashed. The impugned judgment of conviction and order of sentence dated 26.11.2018/29.11.2018 passed by the Chief Judicial Magistrate, Sirsa vide

which the petitioner has been convicted and sentenced for the offence under Sections 498-A, 323, and 34 IPC for a period of 2 years, are set aside on the basis of the compromise.

(JAISHREE THAKUR)

JUDGE

January 22, 2020

Pankaj*

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