

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27346-2021
Date of Decision: 04.04.2022

PRINCE RANGRA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parminder Singh Kanwar, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Jagjeet Singh, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short '*Cr.P.C.*') invoking its inherent jurisdiction for quashing the FIR No.173 dated 22.11.2014, under Sections 498-A, 494, 406, 506, 120-B IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur and all the consequential proceedings as the petitioners have been convicted for the offence under Sections 498-A, 120-B and 494 IPC and acquitted for the offence under Section 406 and 506 IPC vide judgment dated 06.01.2020 passed by the Court of learned Judicial Magistrate 1st Class, Hoshiarpur.

Precisely, the case has been registered on the basis of the statement of respondent No.2 alleging that her marriage was solemnized with petitioner No.1 on 30.01.2013 and sufficient dowry articles were given at the time of marriage. The petitioner No.1 has solemnized second marriage with Upasana Sharma during the subsistence of the earlier

marriage. The petitioners had been raising demand of dowry. Accordingly, the aforesaid case was registered. The petitioners along with Subhash Chander Rangra, the father-in-law of the complainant faced trial. Subhash Chander Rangra, the father-in-law of the complainant died during the course of trial and the proceedings against him stood abated. The petitioners were convicted in terms of the judgment dated 06.01.2020 and sentenced as following:-

Name of accused	Offences under Sections	Imprisonment	Fine	In default
Prince Rangra	494 IPC	RI for 2 year	5000/-	RI for one month
	498 IPC	RI for 1 year	1000/-	RI for 15 days
	120-B IPC	RI for 6 months	-	-
Savita	498-A IPC	RI for 1 year	1000/-	RI for 15 days
	120-B IPC	RI for 6 months	-	-
Paras Rangra	498-A IPC	RI for 1 year	1000/-	RI for 15 days
	120-B IPC	RI for 6 months	-	-
Sonia Thakur	498-A IPC	RI for 1 year	1000/-	RI for 15 days
	120-B IPC	RI for 6 months	-	-

Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioners have preferred a criminal appeal which is now stated to be pending in the Court of learned Addl. Sessions Judge, Hoshiarpur. On 03.12.2021, the parties were directed to appear before the learned Appellate Court for recording their statements with regard to the compromise/settlement and it was further directed that learned Appellate Court shall submit a report containing the following information:-

1. Number of persons arrayed as accused in FIR;
2. Whether any accused is proclaimed offender;
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;

4. *Whether the accused persons are involved in any other case or not;*
5. *The appellate court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

In compliance of the order dated 03.12.2021, both the parties had appeared before the learned Addl. Sessions Judge, Hoshiarpur and got their statements recorded. Learned Addl. District & Sessions Judge, Hoshiarpur after recording the statements of the parties has sent the report dated 12.01.2022 and the relevant portion thereof is reproduced hereinbelow:-

“In view of the statements I am of the considered opinion that they have compromised the matter and it seems that the settlement has been genuinely effected and the compromise is genuine, voluntary and without any coercion or undue influence.

There are five accused in this FIR, out of them accused Subhash Chander Rangra has already died. The other four accused Prince Rangra, Savita, Paras Rangra and Sonia Thakur have been convicted by the Id. Trial Court on 6.1.2020.

Against the conviction in the court of undersigned, two criminal appeals are pending, one bearing No.CRA/31/2020 is on behalf of Paras Rangra & Sonia Thakur and the other bearing No.CRA/44/2020 is on behalf of Prince Rangra & Savita.

No accused is proclaimed offender in this case. The accused persons are not involved in any other case.

As also directed, the statement of retired investigation officer SI Jagdeep Singh (inadvertently mentioned as PW4 Jagdish Singh in judgment) has also been recorded and the investigation officer stated that this case bearing FIR No.173, dated 22.11.2014, u/s 498-A, 494, 506, 120-B IPC, PS City, Hoshiarpur, registered on the basis of complaint moved by complainant Meenakshi. As per complaint marriage of complainant Meenakshi was solemnised with Prince Rangra on 31.1.2013. In this case. there is only one complainant and only she is the victim in this case.

So, as per the statement of investigating officer complainant Meenakshi is the only victim of this case and only she is the complainant.”

After hearing learned counsel for the parties and going through

the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-3). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code 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 of such power is fully justified on facts and circumstances of the case.”

Furthermore, in the recent decision rendered in **Ramgopal and another Vs. State of Madhya Pradesh, 2021 SCC OnLine SC 834**, it has been held by the Hon'ble Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482

Cr.P.C. even if compromise is reached after conviction.

It may be mentioned here that the petitioner Nos.1, 2, 3 and 4 are the husband, mother-in-law, brother-in-law and sister-in-law respectively of the complainant. One of the accused namely Subhash Chander Rangra, the father-in-law of the complainant has since expired. The matrimonial dispute has been amicably settled. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. A child has been born from the wedlock who shall remain in the care and custody of the respondent No.2. It has also been settled that petitioner No.1 shall pay a sum of Rs. 40 Lakhs on account of permanent alimony and a sum of Rs. 20 Lakhs has already been paid.

Learned counsel for respondent No.2 has acknowledged the aforesaid facts and has stated that he has no objection if the aforementioned FIR is quashed.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.173 dated 22.11.2014, under Sections 498-A, 494, 406, 506, 120-B IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur and all the consequential proceedings, on the basis of

compromise dated 03.06.2021 (Annexure P-3) effected between the parties, is ordered to be quashed, as well as, the judgment of conviction and order of sentence dated 06.01.2020 passed by the Court of learned Judicial Magistrate First Class, Hoshiarpur are set aside. The petitioners are acquitted and fine, if any, deposited be refunded to them. Furthermore, both the appeals preferred by the petitioners against the judgment of conviction and order of sentence dated 06.01.2020 would be rendered infructuous and shall be so declared by the Court of learned Additional Sessions Judge where the appeal is pending.

Resultantly, with the aforesaid observations, the instant petition stands allowed.

04.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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