

250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32419-2020
Date of Decision: 05.04.2022

HARDEEP SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. PBS Goraya, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. H.S.Deol, 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.132 dated 22.10.2012, under Sections 498-A, 406, 323, 324, 326, 148, 149 IPC, 1860 registered at Police Station Gharinda, District Amritsar Rural and all the subsequent proceedings arising therefrom including the order dated 04.10.2018, Annexure P-3 vide which they have been convicted by the learned trial Court, on the basis of compromise.

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 and sufficient dowry articles were given at the time of marriage. The family members of the in-laws had been harassing her on account of bringing insufficient dowry and on that score she had went back to her parental house. With the intervention of the respectables, she was

brought back to the house of her in-laws. On 24.09.2012 at about 5 P.M., the petitioner No.1 gave abuses and along with the co-accused threw her out of the matrimonial house. She was inflicted injuries by means of stick. Subsequently, the injuries were also inflicted upon her by means of datar. The petitioners were convicted in terms of the judgment dated 04.10.2018 and were sentenced as following:-

Hardeep Singh

Under Section	Sentence	Fine	In default
406 IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days
498-A IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days
323 read with Section 34 IPC	To undergo Rigorous Imprisonment for a period of six months	Rs. 1000/-	To further undergo RI for a period of Fifteen days
324 read with Section 34 IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days

Manjit Kaur

Under Section	Sentence	Fine	In default
406 IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days
498-A IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days
323 read with Section 34 IPC	To undergo Rigorous Imprisonment for a period of six months	Rs. 1000/-	To further undergo RI for a period of Fifteen days
324 read with Section 34 IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days

Gajjan Singh

Under Section	Sentence	Fine	In default
406 IPC	To undergo Rigorous Imprisonment for a period of	Rs. 5000/-	To further undergo RI for a period of

	Two years		Fifteen days
498-A IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days
323 read with Section 34 IPC	To undergo Rigorous Imprisonment for a period of six months	Rs. 1000/-	To further undergo RI for a period of Fifteen days
324 read with Section 34 IPC	To undergo Rigorous Imprisonment for a period of Two years	Rs. 5000/-	To further undergo RI for a period of Fifteen days

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, Amritsar wherein the next date of hearing is 22.04.2022. On 13.10.2020, notice of motion was issued and the parties were directed to appear before the learned trial Court/Illaq Magistrate for recording of their statements with regard to the settlement. It was further directed to send a report regarding genuineness of the compromise along with the statements of the parties.

In compliance of the order dated 13.10.2020, the parties had appeared before the learned Chief Judicial Magistrate, Amritsar and got recorded their statements. On the basis of the statements, learned Chief Judicial Magistrate, Amritsar has sent the report and the relevant portion thereof is reproduced hereinbelow:-

“From the statements of the petitioners/accused and the complainant/respondent, this court is of the opinion that their compromise is genuine, voluntary and without any kind of undue influence or pressure.”

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-2). The compromise is genuine one and has been voluntarily executed by the parties without any ressure 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 and 3 are the husband, mother-in-law and father-in-law respectively of the complainant. The matrimonial dispute has been amicably settled. The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 09.04.2021 passed by the Court of learned Addl. Principal Judge, Family Court, Amritsar.

Learned counsel for the petitioners contend that permanent alimony has been paid to respondent No.2 and no other litigation is pending between the parties.

Learned counsel for respondent No.2 has not assailed the aforesaid factual aspect and has stated that he has no objection if the aforementioned FIR and subsequent proceedings are 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.132 dated 22.10.2012, under Sections 498-A, 406, 323, 324, 326, 148, 149 IPC, 1860 registered at Police Station Gharinda, District Amritsar Rural and all the consequential proceedings, on the basis of compromise dated 07.08.2020 (Annexure P-2) effected between the parties, is ordered to be quashed, as well as, the judgment of conviction and order of sentence dated 04.10.2018 passed by the Court of learned Chief

Judicial Magistrate, Amritsar are set aside. The petitioners are acquitted and fine, if any, deposited be refunded to them. Furthermore, the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 04.10.2018 would be rendered infructuous and shall be so declared by the Court of learned Chief Judicial Magistrate where the appeal is pending.

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

05.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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