
(2014) 07 P&H CK 0765

In the Punjab And Haryana At Chandigarh

Case No : Crl. Misc. No. M-9286 of 2014 (O&M)

Anand Rathi

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 15-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 406, 498-A

Citation : (2014) 07 P&H CK 0765

Hon'ble Judges : Surinder Gupta, J

Bench : Single Bench

Advocate : Saurabh Dalal, Advocate for the Appellant; G.S. Chahal, Addl. A.G, Advocate for the Respondent

Final Decision : Allowed

Judgement

Surinder Gupta, J.—The petitioners have filed this petition u/s 482 Code of Criminal Procedure (for short, "Cr.P.C.") seeking quashing of FIR No. 240 dated 02.05.2013 registered for offences punishable under Sections 498-A, 406 read with Section 34 of Indian Penal Code (for short "IPC) at Police Station Manesar, District Gurgaon along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-1) arrived between the parties before Mediation and Conciliation Centre of this Court.

2. As per case of the prosecution, the FIR was registered on the complaint of respondent No. 2 wherein she had levelled allegations of her harassment and maltreatment by the petitioners on account of demand of dowry.

3. Upon notice, Mr. G.S. Chahal, Addl. Advocate General, Haryana has put in appearance on behalf of respondent No. 1-State.

4. I have heard learned counsel for the parties and perused the case file.

5. The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 26.05.2014 stating

therein that the compromise has been effected in between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

6. It has been submitted that now petitioner No. 1 and respondent No. 2 are living together as husband and wife in a peaceful and cordial atmosphere.

7. Learned State counsel has also not disputed compromise (Annexure P-1).

8. The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable u/s 498-A IPC is not compoundable. In case Kulwinder Singh and Others Vs. State of Punjab and Another, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers u/s 482 Cr.P.C. even if the offence is not compoundable.

9. In the instant case, the compromise has been effected before the Mediation and Conciliation Centre of this Court and now the parties wish to live in peace and harmony and rather petitioner No. 1 and respondent No. 2 have already started living together.

10. Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

11. In view of the above discussion, the instant petition is allowed and the impugned FIR No. 240 dated 02.05.2013 registered at Police Station Manesar, District Gurgaon along with all consequential proceedings arising therefrom, qua petitioners, is quashed.