
(2015) 07 P&H CK 0205
In the Punjab And Haryana At Chandigarh
Case No : Criminal Misc. No. M-10333 of 2015

Bhupinder Singh and Others	Vs	APPELLANT
State of UT and Others		RESPONDENT

Date of Decision : 30-07-2015

Acts Referred:

Constitution of India, 1950 — Article 142
Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 406, 498-A
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3, 4

Citation : (2015) 07 P&H CK 0205

Hon'ble Judges : Paramjeet Singh, J

Bench : Single Bench

Advocate : P.S. Ahluwalia, for the Appellant; Rajiv Sharma, Advocates for the Respondent

Final Decision : Allowed

Judgement

Paramjeet Singh, J—This petition has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No. 567 dated 10.12.2011, under Sections 406, 498-A IPC, registered at Police Station Sector-34, Chandigarh, on the basis of compromise dated 11.03.2015 (Annexure P-3) along with all the subsequent proceedings arising therefrom.

2. Vide order dated 01.04.2015 passed by this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the learned trial Court/Illaq Magistrate was directed to send the report.

3. In compliance of order dated 01.04.2015, learned trial Court has submitted its report vide letter dated 16.05.2015 which indicates that the parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the report, the compromise arrived at between the parties is

genuine and without any pressure or coercion from any corner. However, one of the accused, namely, Akashdeep Singh is proclaimed offender.

4. Learned counsel for the petitioners contended that it is a matrimonial dispute. The marriage between the complainant and Akashdeep Singh son of the petitioners took place in the year 2005, the FIR was lodged in 2011, the marriage has already been dissolved by the decree of the court passed ex-parte on the petition moved by the complainant-wife. The parties have now settled down separately. Continuation of proceedings would not be in the interest of the complainant herself. It is contended that proceedings qua the petitioners may be quashed in view of the compromise between the parties.

5. Learned counsel for respondent No. 2-complainant contends that the complainant has compromised the matter and she has no grievance, if proceedings qua the petitioners are quashed.

6. I have heard counsel for the parties and considered their contentions.

7. The Hon''ble Supreme Court in Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and Another, (2012) CriLJ 3900 : (2012) 3 Crimes 167 : (2012) 3 JCC 1943 : (2012) 6 JT 504 : (2012) 6 SCALE 525 : (2012) 12 SCC 401 has, on the basis of compromise arrived at between the parties, quashed criminal proceedings in an FIR case qua one of the accused-appellant before the Hon''ble Supreme Court. The Hon''ble Supreme Court in that case held as under:

"On going through the factual details, earlier decision, various offences under Section 320 of the Code and invocation of Section 482 of the Code, we fully concur with the said conclusion. In the case on hand, irrespective of the earlier dispute between Respondent No. 2- the complainant and the appellant being Accused No. 3 as well as Accused Nos. 1 and 2 subsequently and after getting all the materials, relevant details etc., the present appellant (Accused No. 3) sworn an affidavit with bona fide intention securing the right, title and interest in favour of Respondent No. 2 herein-the Complainant. In such bona fide circumstances, the power under Section 482 may be exercised. Further, in view of the settlement arrived at between Respondent No. 2-the complainant and the appellant (Accused No. 3), there is no chance of recording a conviction insofar as the present appellant is concerned and the entire exercise of trial is destined to be an exercise in futility. Inasmuch as the matter has not reached the stage of trial, we are of the view that the High Court, by exercising the inherent power under Section 482 of the Code even in offences which are not compoundable under Section 320, may quash the prosecution. However, as observed in Shiji (supra), the power under Section 482 has to be exercised sparingly and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. In other words, the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law.

10) In the light of the principles mentioned above, inasmuch as Respondent No. 2-the Complainant has filed an affidavit highlighting the stand taken by the appellant (Accused No. 3) during the pendency of the appeal before this Court and the terms of settlement as stated in the said affidavit, by applying the same analogy and in order to do complete justice under Article 142 of the Constitution, we accept the terms of settlement insofar as the appellant herein (Accused No. 3) is concerned."

8. This Court has also in *Parambir Singh Gill Vs. Malkiat Kaur*, (2009) 31 CriminalCC 898 has quashed the complaint under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act qua the petitioner in that case on the basis of compromise. Keeping in view the facts and circumstances of the present case, particularly when the complainant-wife herself has taken divorce and has compromised the matter in order to peacefully lead her life. This Court is of the considered view that interest of justice warrants quashing of the FIR and proceedings arising therefrom qua the petitioners herein.

9. Consequently, in view of compromise and keeping in view the law laid down by the Hon'ble Apex Court in the case of *Madan Mohan Abbot Vs. State of Punjab*, AIR 2008 SC 1969 : (2008) CriLJ 2243 : (2008) 4 SCALE 159 : (2008) 4 SCC 582 : (2008) 1 UJ 549 : (2008) AIRSCW 2287 : (2008) 2 Supreme 750 , *Gian Singh Vs. State of Punjab and Another*, (2012) 9 JT 457 : (2012) 9 JT 426 : (2012) 9 SCALE 257 : (2012) 10 SCC 303 , *Narinder Singh and Others Vs. State of Punjab and Another*, (2014) AIRSCW 2065 : (2014) CriLJ 2436 : (2014) 4 JT 573 : (2014) 4 SCALE 195 : (2014) 6 SCC 466 , *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and Another*, (2012) CriLJ 3900 : (2012) 3 Crimes 167 : (2012) 3 JCC 1943 : (2012) 6 JT 504 : (2012) 6 SCALE 525 : (2012) 12 SCC 401 and Full Bench judgment of this Court in the case of *Kulwinder Singh and Others Vs. State of Punjab and Another*, (2007) 4 CTC 769 : (2007) 3 RCR(Criminal) 1052 and *Parambir Singh Gill Vs. Malkiat Kaur*, (2009) 31 CriminalCC 898 no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in *Gian Singh (supra)* and *Narinder Singh and others (supra)*. In the facts and circumstances of this case, it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

10. The present petition is allowed. Consequently, FIR No. 567 dated 10.12.2011, under Sections 406, 498-A IPC, registered at Police Station Sector-34, Chandigarh, on the basis of compromise dated 11.03.2015 (Annexure P-3) and all the criminal proceedings arising out of the said FIR also stand quashed qua the petitioners only.

11. It is, however, made clear that if the proceedings already stand concluded

and conviction recorded in the present case, this order shall be treated non est and, thus, will have no bearing on the conviction and sentence order.