
(2012) 02 P&H CK 0184

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-34550 of 2011 (O&M)

Dev Raj and another

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 22-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 406, 498

Citation : (2012) 2 RCR(Criminal) 415

Hon'ble Judges : Rakesh Kumar Garg, J

Advocate : Mr. Sunil Agnihotri, Advocate, Mr. Anter Singh Brar, Sr. DAG, Punjab.
Mr. Amit Gupta, Advocate., Advocates for appearing Parties

Judgement

Rakesh Kumar Garg, J (Oral)

This is a petition for quashing of FIR No.59 dated 13.08.2011, under Sections 498/406 IPC, registered with P.S.Haryana, District Hoshiarpur, on the basis of compromise and affidavit (Anneuxre P2 and P3).

On 11th January, 2012, this Court passed the following order:

?An affidavit on behalf of respondent No.2 has been filed in Court today. The same is taken on record.

The parties are directed to be present before the Judicial Magistrate Ist Class, Hoshiarpur, on 25.1.2012 for recording of their statements in support of the compromise as alleged.

Illaqa Magistrate, Hoshiarpur, is directed to send the report with regard to the fact as to whether the statements have been made by the parties without any pressure and voluntarily, before the next date of hearing. List on 22.2.2012.?

A report has been submitted by Ms. Neetika Verma, PCS, Judicial Magistrate Ist Class, Hoshiarpur, which reads thus: ?Subject: Crl.Misc. No.M34550 of 2011 pending for 22.02.2012report regarding compromise.

Sir,

Respectfully, it is submitted that accused had filed Crl.Misc. No.M34550 of 2011 for quashing FIR No.59 dated 13.08.2011 under Section 498A/406 of IPC, registered at Police Station Hariana, and is pending for 22.2.2012 before Hon''ble High Court.

2. As directed parties had put in appearance before me on 1.2.2012. I have recorded statement of Meena Rani, complainant as well as accused Dev Raj and Resham Kaur. Complainant Meena Rani has stated that she had compromised the matter as per her own will and volition with the accused persons. The above mentioned persons admitted that they have compromised the matter voluntarily. The complainant has also stated that she does not want to proceed with the present case against the accused person. The complainant and the accused were identified by the Investigating Officer SI Darshan Lal, Police Station Hariana.

3. Original statements are enclosed herewith for kind perusal of Hon''ble High Court. Compromise effected between parties appears to be genuine and it will certainly lead to peace and harmony among the parties.

Report is submitted accordingly for favorable consideration.

Thanking you.?

Mr. Amit Gupta, Advocate has put in appearance on behalf of respondent No.2 and has supported the compromise. The report of Judicial Magistrate Ist Class, Hoshiarpur alongwith statements of the parties shall form part of this judgment. A Full Bench of this Court in Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052 has held that in appropriate cases, while exercising powers under Section 482 Cr.P.C., this Court may quash an FIR disclosing the commission of noncompoundable offences. The relevant extracts read as under:

?The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C., which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.?

Keeping in view the above settled legal position and taking into account the fact that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C., for quashing of the FIR in the interest of justice.

Accordingly, the present petition is allowed and FIR No.59 dated 13.08.2011

under Sections 498/406 IPC, registered with P.S.Haryana, District Hoshiarpur and all subsequent proceedings arising therefrom are quashed against the petitioners.