

(2014) 05 P&H CK 0175
In the Punjab And Haryana At Chandigarh
Case No : Crl. Misc. No. M-13253 of 2014

Dhiraj Kakkar and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 30-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498-A, 506

Citation : (2014) 05 P&H CK 0175

Hon'ble Judges : Surinder Gupta, J

Bench : Single Bench

Advocate : Sanjeev Kumar Arora, Advocate for the Appellant; Deepak Jindal, DAG, Haryana and Mr. Hemender Goswami, Advocate for Respondent No. 2, Advocate for the Respondent

Final Decision : Allowed

Judgement

Surinder Gupta, J.—The petitioners have filed this petition u/s 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") seeking quashing of the FIR No. 58 dated 11.3.2011 (Annexure P-1), registered for offence under Sections 406, 498-A, 506 IPC at Police Station SGM Nagar, Faridabad, on the basis of the compromise (Annexure P-2).

2. The FIR was recorded with regard to the allegations of demand of dowry and maltreatment of respondent No. 2 by the petitioners.

3. Upon notice, Dr. Deepak Jindal, Deputy Advocate General, Haryana has put in appearance on behalf of respondent No. 1-State and Mr. Hemender Goswami, Advocate has put in appearance on behalf of respondent No. 2-complainant.

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 2.5.2014 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. Learned counsel for the respondent No. 2-complainant has submitted that in view of the compromise (Annexure P/2), the private respondent (complainant) has no objection if the impugned FIR (Annexure P/1) is quashed. Learned State counsel has also not disputed the compromise (Annexure P/2).

7. The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence 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.

8. In the instant case, the compromise has been effected with the intervention of the respectables. It has also been submitted that under the compromise the parties have started living together as husband and wife.

9. Keeping all the above facts in view and the fact that the parties are living together as husband and wife, 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.

10. In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom is quashed.