
(2012) 04 P&H CK 0083
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-37987 of 2011

Inder Kapoor and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

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

Citation : (2012) 04 P&H CK 0083

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Pankaj Bali, for the Appellant; Kartar Singh, DAG Haryana for respondent No. 1 and Nemo, for the Respondent

Judgement

Mehinder Singh Sullar, J.—The conspectus of the facts, culminating in the commencement, relevant for the limited purpose of deciding the core controversy, involved in the instant petition and oozing out, from the record, is that, the marriage of complainant Manju Sharma alias Manju Kapoor, respondent No. 2 (for brevity "the complainant") was solemnized with Inder Kapoor son of late Mohan Lal Kapoor (petitioner No. 1), on 10.10.2008, according to Hindu rites and ceremonies. Her (widow) mother was stated to have spent an amount of ` 6 lacs at the time of marriage and gave sufficient dowry beyond her capacity. But her husband and his other relatives were not satisfied and demanded more dowry articles, including the car. According to the complainant that her husband started teasing and taunting her. She moved an application to the SHO, Police Station Saran against her husband and in-laws, but the matter was stated to have been settled under pressure. Levelling a variety of allegations and narrating the sequence of events, in all, the complainant claimed that her husband Inder Kapoor and his other relatives, petitioner Nos.1 to 6-accused have treated her with cruelty in connection with and on account of demand of dowry. In the background of these allegations and in the wake of complaint of the complainant, the present criminal case was registered against the petitioners-accused, vide

FIR No. 162 dated 16.5.2011 (Annexure P1), on accusation of having committed the offences punishable under Sections 498-A, 406 and 506 IPC by the police of Police Station Saran, NIT Faridabad, in the manner described hereinbefore.

2. During the pendency of the case, with the grace of God, good sense prevailed and the parties have amicably resolved their disputes, by way of compromise deed dated 1.10.2011 (Annexure P2).

3. Having compromised the matter, the petitioners-accused have preferred the instant petition for quashing the impugned FIR (Annexure P1) and all other subsequent proceedings arising therefrom, on the basis of compromise (Annexure P2), invoking the provisions of section 482 Cr.PC, inter-alia, pleading that the parties have mutually settled their disputes with the intervention of respectables of both the sides and removed their all doubts and grievances. Now the complainant wants to reside with her husband. They want to live in peace and harmony. The complainant has no objection, if the impugned FIR registered against the petitioners is quashed.

4. During the course of preliminary hearing, a Coordinate Bench (Mahesh Grover, J.) of this Court passed the following order on 25.1.2012:-

To come up on 3.4.2012.

Meanwhile, parties are directed to be present before the Ilaqa Magistrate on 27.2.2012 or any other date convenient to the Court for recording their statements with regard to compromise. The learned Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. He shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not, before the next date of hearing."

5. In pursuance thereof, the Magistrate recorded the statements of the parties, relatable to the compromise, affidavits and submitted his report, bearing No. 547 dated 28.3.2012, which, in substance, is as under:-

In compliance of order dated 25.1.2012 passed by the Hon'ble High Court passed in the Criminal Misc. No. M-37987 of 2011 titled as Inder Kapoor & Others Vs. State of Haryana & Another, the statement of complainant Smt. Manju wife of Sh. Inder Kapoor and the joint statements of the accused persons Inder Kapoor and Deepak Kapoor were recorded. It was made clear to the complainant that she is not bound to make any statement. Her statement was recorded. The complainant was identified by Sh. R.C. Khanna, Advocate and the accused persons were also identified by Sh. R.C. Khanna, Advocate. The statements were read over and explained to the complainant and the accused persons, who later put their signatures. Apart from the statements, the complainant Manju Sharma @ Manju Kapoor and accused Deepak Kapoor also gave their affidavits on the

next date testifying therein no case is pending between Manju Sharma @ Manju Kapoor and the accused persons.

In view of the statement of the complainant and the accused persons, this Court is of the opinion that the complainant has entered into the compromise with the accused persons voluntarily and as per the affidavits, no other case is pending between the parties.

6. That means, it stands proved on record that the parties have amicably settled their disputes, by virtue of compromise deed (Annexure P2).

7. Above being the position on record, now the short and significant question, though important that, arises for determination in this case is, as to whether the impugned FIR (Annexure P1) and all other consequent proceedings arising thereto deserve to be quashed in view of the compromise or not ?

8. Having regard to the contentions of learned counsel for parties, to my mind, it would be in the interest and justice would be sub-served, if the present criminal prosecution is quashed and the parties are allowed to live in peace. Moreover, the learned counsel for parties are ad idem that, in view of mutual settlement between the parties, the instant petition is liable to be accepted in this respect.

9. What cannot possibly be disputed that the law with regard to quashing such criminal prosecution on the basis of settlement between the parties, by virtue of compromise, has now been well-settled by the Hon"ble Apex Court in cases Shiji @ Pappu and others v. Radhika and another, 2012(1) RCR (Cri) 9; Manoj Sharma v. State & Ors. 2008(4) RCR (Cri) 827; B.S. Joshi v. State of Haryana 2003 (2) RCR (Cri) 888 (SC) and Full Bench of this Court in case Kulwinder Singh and others v. State of Punjab and another 2007 (3) RCR (Cri) 1052, wherein it was ruled that the High Court has vast inherent power to quash the criminal prosecution on the basis of settlement of disputes between the parties.

10. The crux of the law laid down in the aforesaid judgments is that the power u/s 482 Cr.PC has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society and resolution of a dispute by means of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery, if the statement is fair being free from under pressure.

11. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relatable to such cases, on the basis of lawful settlement. The law laid down in the aforesaid judgments "mutatis mutandis" is applicable in the present case and is the complete answer to the problem in hand.

12. As is evident from the record that the parties have amicably settled their

disputes at the intervention of their relatives, by virtue of compromise (Annexure P2), which is signed by them. The complainant wants to live with her husband peacefully and in harmony in future. She has reiterated the factum of compromise and she does not want to prosecute the petitioners-accused. She has no objection, if the criminal prosecution is quashed. The factum of compromise finds further corroboration from the status report dated 29.3.2012 of the Magistrate. Therefore, since the compromise is in their welfare and interest, in the manner indicated hereinabove, so, to me, there is no impediment in translating their wishes into reality and to quash the criminal prosecution to set the matter at rest to enable them to live in peace and to enjoy the life and liberty in a dignified manner. In the light of the aforesaid reasons, the present petition is hereby accepted. Consequently, the impugned FIR No. 162 dated 16.5.2011 (Annexure P1) and all other subsequent proceedings arising therefrom, are quashed and the petitioners-accused are discharged from the indicated criminal case, in the obtaining circumstances of the case.