
(2014) 04 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. No. M-41202 of 2013

Jagdish Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 04-04-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120-B, 406, 498-A

Citation : (2014) 04 P&H CK 0024

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : Ashok Kumar Sharma, Advocate for the Appellant; K.S. Aulakh, Assistant Advocate General, Punjab for the State, Mr. Ajay Kumar Kamboj, Advocate respondent No. 2, Advocate for the Respondent

Final Decision : Allowed

Judgement

Inderjit Singh, J.—This petition has been filed u/s 482 Cr.P.C. praying for quashing of FIR No. 81 dated 24.7.2013 (Annexure-P. 1) registered for the offences under Sections 406, 498-A and 120-B IPC at Police Station Mamdot, District Ferozepur and all subsequent proceedings arising therefrom in view of the compromise dated 25.11.2013 (Annexure-P. 2). The marriage of petitioner No. 1 Jagdish Singh was solemnized with complainant-Raj Rani in the year 2006. However, due to temperamental differences between the parties, matrimonial dispute arose and the above said FIR was registered for the above mentioned offences against the petitioner and his family members and relatives. Now with the intervention of family members, relatives, friends and well wishers, both the parties have agreed to settle their differences, disputes and have resolved to put an end to all the proceedings. A copy of Panchayati compromise dated 25.11.2013 was executed between the parties, which has been placed on record.

2. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Ferozepur for

getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent her report dated 12.3.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Raj Rani has stated that she has effected compromise with the accused/petitioners without any inducement, threat or pressure with the intervention of the respectables of locality. She has no objection if the above said FIR is quashed.

3. Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No. 2 admit the factum of compromise and submit that in case the parties have indeed settled their matrimonial dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon"ble Supreme Court.

4. I have gone through the record and have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No. 2.

5. In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. The Hon"ble Supreme Court in Gian Singh Vs. State of Punjab and Another, , has held that the inherent jurisdiction of this Court u/s 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No. 81 dated 24.7.2013 (Annexure-P. 1) registered for the offences under Sections 406, 498-A and 120-B IPC at Police Station Mamdot, District Ferozepur and all subsequent proceedings arising out of the same are hereby quashed.