
(2010) 04 P&H CK 0404
In the Punjab And Haryana At Chandigarh

Mohinder Pal Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482

Hindu Marriage Act, 1955 — Section 13B

Penal Code, 1860 (IPC) — Section 120B, 406, 498A

Citation : (2010) 04 P&H CK 0404

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J.—Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure for quashing of FIR No. 29 dated 1.3.2007 registered under Sections 406, 498A, 120B of the Indian Penal Code, at Police Station P.S. Sidhwan Bet, District Ludhiana (Annexure P-1) and all the consequential proceedings arising thereto on the basis of compromise dated 24.3.2009 (Annexure P-2) entered between the parties.

2. Vide order dated September 02, 2009, the parties were directed to appear before the trial Court on 15.9.2009. The trial Court was further directed to record their statements and sent a report as to whether the compromise in question is genuine or not. The report has been duly submitted by Judicial Magistrate, 1st class, Jagraon. As per his report dated 10.10.2009, the compromise has been effected between Devinder Kaur-complainant and the present petitioners. As per the compromise, respondent No. 2 complainant has received a sum of Rs. 5,00,000/- as her past, present and future maintenance in lump sum. In view of the said compromise, decree of divorce u/s 13B of the Hindu Marriage Act has been passed by the District Judge, Ludhiana. The present case arises out of a matrimonial dispute. The matter has been compromised. Compromise has been placed on record as Annexure P-2. Respondent No. 2-complainant has also made

a separate statement before this Court today authenticating the compromise. It is stated that no further claim subsists against the petitioners. It is further stated that respondent No. 2-complainant has no objection if the FIR in question is quashed.

3. The Full Bench of this Court, in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR (Criminal) 1052 has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power u/s 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is 'finest hour of justice'. Disputes which have their genesis not only in matrimonial discord but others as well, such compromise deserves to be accepted. It is further held 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 u/s 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar u/s 320 of the Cr.P.C in order to prevent the abuse of law and to secure the ends of justice.

4. In the case of Madan Mohan Abbot Vs. State of Punjab, , the Apex Court emphasised and advised as under:

We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

5. Taking into account the compromise which has been effected between the parties, the affidavit duly sworn by respondent No. 2, statement made before the trial Court authenticating the compromise, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers u/s 482 Cr.P.C. for quashing of FIR with a view to promote, peace and harmony between the parties.

6. Accordingly, the present petition is allowed and FIR No. 29 dated 1.3.2007 registered under Sections 406, 498A, 120B I.P.C. at Police Station Sidhwan Bet District Ludhiana and all subsequent proceedings arising therefrom are hereby quashed in the interest of justice.