
(1996) 03 P&H CK 0040

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 7705 of 1922

Nand Lal and Others

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 08-03-1996

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 498A, 506

Citation : (1996) 2 DMC 379 : (1996) 3 RCR(Criminal) 78

Hon'ble Judges : P.K. Jain, J

Bench : Single Bench

Advocate : Ajay Lamba, for the Appellant; Atul Lakhanpal, for the Respondent

Final Decision : Allowed

Judgement

P.K. Jain, J.—This petition has been filed u/s 482 of the Code of Criminal Procedure (for short "the Code") for quashing First Information Report No. 199 dated 20.5.1992 recorded at Police Station Tahana, District Hisar for the offences under Sections 498-A, 506, 34 of the Indian Penal Code, on the basis of a complaint made by respondent No. 2 and forwarded by the Judicial Magistrate for enquiry.

2. A marriage between Nand Lal petitioner No. 1 and Smt. Janki Devi respondent No. 2 was performed according to Hindu rites at Tohana on 14.10.1984. The parties lived and cohabited as husband and wife and out of this wedlock a son was born. Petitioner No. 2 is the father, Smt. Ram Pyari petitioner No. 3 is the mother, Sat Pal and Govind Lal petitioners No. 4 and 5 are the brothers, Miss Indu Bala petitioner No. 7 and Kanchan petitioner No. 8 are the sisters of petitioner No. 1, Mira Devi petitioner No. 6 is wife of petitioner No. 4 and petitioner No. 9 is the husband of the sister of the petitioner. It has been alleged that the petitioners were not happy with the dowry brought by respondent No. 2. They started taunting her after a few days of the marriage. Petitioners No. 2 and 9 used to instigate petitioner No. 1 who started beating respondent No. 2 and

used to leave her at her parents' house. At the request of the petitioners, father of respondent No. 2 made efforts to fix petitioner No. 1 in some job and spent a huge amount but in vain and this further annoyed the petitioners who started treating respondent No. 2 with cruelty and making demand for more dowry.

3. It has been stated in the petition that right from the date of marriage, respondent No. 2 wanted petitioner No. 1 to live separately from his parents to which the petitioners did not accept, that respondent No. 2 left matrimonial home carrying all the valuables and did not come in spite of all efforts made by the petitioners and that although the respondent No. 2 had not cohabited for the last 27 years yet she became pregnant which shows that she was living in adultery. It has been further stated that under these circumstances petitioner No. 1 was constrained to file a petition u/s 13 of the Hindu Marriage Act, 1955 for dissolution of marriage. As a counter-blast respondent No. 2 lodged the First Information Report in question.

4. Notice of motion was issued to the respondents. In reply a joint application has been filed by the parties stating therein that all the disputes between them have been mutually settled, petitioner and respondent No. 2 have resumed cohabitation and that petitioner No. 1 has taken respondent No. 2 along with their children on 24.4.1995 to the matrimonial home and that no dispute or difference remains to be settled between the parties. It has been stated that the First Information Report may be quashed. This application is supported by an affidavit sworn by Nand Lal petitioner No. 1 and an affidavit sworn by Smt. Janki Devi respondent No. 2.

5. I have heard the learned Counsel for the parties. The only question which arises for decision is whether in the facts and circumstances of the present case, this Court should exercise its inherent powers u/s 482 of the Code for quashing the First Information Report.

6. In *Y. Suresh Babu Vs. State of A.P. and Another*, an offence u/s 326, Indian Penal Code which is non-compoundable, was allowed to be compounded by their Lordships of the Supreme Court of India. Similarly, in *AIR 1988 2111 (SC)*, their Lordships of the Apex Court permitted the parties to compound an offence u/s 307, Indian Penal Code.

7. In *Sri Narain v. State of Rajasthan II (1994) CCR 1151* it was observed by the Rajasthan High Court that the High Court and the Supreme Court have inherent powers to pass orders under the Code to secure the ends of justice. Hence, if it comes to the knowledge of the High Court that in recording the compromise of the case, ends of justice would be secured, it is essential to pass such order. It was further observed that even otherwise, not to allow compromise may also result in such circumstances to the same end because the complainant in that case would not support the prosecution story and the Court instead of advancing the cause of justice would encourage perjury and if that is not done at trial, evil thoughts will again start in the minds of the parties for having another innings of

battle.

8. Identical criminal proceedings were quashed by the Delhi High Court in Arun Kumar Vohra v. Ritu Vohra and Anr. 1995 (2) R.C.R. 76 and this Court in Mohinder Singh v. State of Punjab 1993 (2) CCC 444 Devinder Singh and Anr. v. Santokh Kaur, Criminal Misc. No. 8528-M of 1995 decided on 9.1.1996 and Surinder Paul Singh and Ors. v. State of Punjab and Ors., Criminal Revision No. 619 of 1995 decided on 19.3.1996.

9. In the present case all the matrimonial disputes between the parties including those contained in the First Information Report in question have been amicably settled between petitioner No. 1 and respondent No. 2. It is important to note that reconciliation has been effected between the parties and respondent No. 2 along with her children has gone to her matrimonial home i.e. with her husband petitioner No. 1 on 24.4.1995. Thus, no dispute or difference remains to be settled between the parties. These facts are duly supported by the affidavits sworn by petitioner No. 1 and respondent No. 2. Once the parties have settled their disputes and differences and reconciliation has been effected between them, it would be an exercise in futility to file the challan in the Court and to proceed with the trial. Looking to totality of the facts and circumstances of the case and larger interest of justice, it is just and proper if the parties are not dragged to the Court to face trial in a criminal charge which has lost its objective.

10. For the reasons recorded above, I accept this petition and hereby quash the First Information Report No. 199 dated 20.5.1992 recorded at Police Station Tohana, District Hisar for the offences under Sections 498-A, 406, 506, 34 of the Indian Penal Code and all the consequent proceedings thereto.