

(2010) 11 P&H CK 0648
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M 27639 of 2010

Nishaht Kamra and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Hindu Marriage Act, 1955 — Section 13B
Penal Code, 1860 (IPC) — Section 34, 406, 498A

Citation : (2010) 11 P&H CK 0648

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J.—This is a petition u/s 482 Code of Criminal Procedure for quashing of FIR No. 89 dated 12.08.2010 under Sections 406, 498A, 34 of Indian Penal Code, PS Gidderbaha, District Sri Muktsar Sahib which was got registered by Respondent No. 2 -complainant against the present Petitioners on the basis of the compromise arrived at between the parties. Copy of the compromised deed dated 18.08.2010 is appended with the petition as Annexure P2. The complainant is present Court today along her counsel.

2. The present FIR arises out of matrimonial dispute. Now, the same has already been amicably settled between the parties. The complainant has also filed her affidavit in Court today, stating therein, that with the intervention of respectables of the area, the matter has been compromised between the parties and she has also received all her dowry articles. She has no objection, if the said FIR is quashed. The same is taken on record.

3. The Full Bench of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 1052 has observed as under:

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 Code of Criminal Procedure is used to enhance such a compromise which, in turn, enhances the social amity and reduced friction, then it truly is finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the court exercising its power u/s 482 of the Code of Criminal Procedure in the event of a compromise, but this is not to say power is limited to such cases. There can never be any such rigid rules to prescribe the exercise of such power.

4. The Apex Court in the case of Madan Mohan Abbot Vs. State of Punjab, emphasized in para No. 6 as follows:

6. We need to emphasize 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 utilized 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. In her affidavit filed before this Court, the complainant stated that with the intervention of the respectable of the area, the matter has been compromised between the parties and a petition u/s 13B of Hindu Marriage Act has also been filed by the parties. Moreover, all the dowry articles have also been received by her and nothing is due against each other. Further, she has no objection if the said FIR is quashed.

6. Taking into account the allegations and the affidavit of the complainant, there is no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same in view of the above settled proposition of law.

7. Accordingly, the present petition is allowed and FIR No. 89 dated 12.08.2010 under Sections 406, 498A, 34 of Indian Penal Code, PS Gidderbaha, District Sri Muktsar Sahib and further proceedings arising out of the same are hereby quashed qua the present Petitioners.

8. Allowed in the aforesaid terms.