
(2020) 09 P&H CK 0040

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 26458 Of 2020 (O&M)

Raman Pratap Singh

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 14-09-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173(3), 482

Indian Penal Code, 1860 — Section 498A

Hindu Marriage Act, 1955 — Section 13B

Citation : (2020) 09 P&H CK 0040

Hon'ble Judges : Arun Kumar Tyagi, J

Bench : Single Bench

Advocate : Varun Kadian, Naveen Singh Panwar, Arshdeep Bhullar

Final Decision : Allowed

Judgement

Arun Kumar Tyagi, J

(The case has been taken up for hearing through video conferencing.)

CRM-22986-2020

Prayer in this application is for placing on record affidavit of the petitioner in compliance with order dated 08.09.2020.

In view of the facts and circumstances of the case, the application is allowed and affidavit of the petitioner is taken on record. Affidavit of respondent No.2/ complainant along with original power of attorney of her counsel has been filed in the registry which are also taken on record.

CRM-M-26458-2020

Petitioner-Raman Pratap Singh has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for quashing of FIR No.07 dated 23.01.2018 registered under Section 498-A of the Indian Penal Code, 1860 (for short,

"the IPC") at Police Station Women, Gurgaon, District Gurugram (Annexure P-1) with all consequential proceedings arising therefrom in view of the compromise dated 04.08.2020 (Annexure P-2) effected with respondent No.2-Jeevanjot Matharoo.

The above said FIR was registered on complaint made to the Commissioner of Police, Gurugram by respondent No.2, whose marriage was solemnized with the petitioner on 17.01.2015 as per Sikh rites and ceremonies at Zirakpur, for registration of FIR against her husband (the petitioner), father-in-law Dr. Satinder Pal Singh Chawla, mother-in-law Dr. Satinderjeet Kaur Chawla, Harkesh Kaur Dhillon and Dr. Rahatdeep Singh Brar for having committed offences of criminal conspiracy, cheating, cruelty by making of dowry demands and criminal breach of trust by misappropriation of her dowry articles. The police investigated the case and on completion of investigation filed report under Section 173(2) of the Cr.P.C. against the petitioner.

The petitioner has filed the present petition for quashing of the FIR on the grounds that now the matter has been amicably compromised between the parties and they have decided to part their ways.

Vide order dated 08.09.2020, this Court directed petitioner and respondent No.2/complainant to file affidavits in respect of execution of the compromise between them and to remain present before this Court through video conferencing.

In compliance with the above said order, the petitioner and respondent No.2/complainant have filed affidavits dated 10.09.2020 and 09.09.2020 respectively admitting execution of compromise dated 04.08.2020.

Bank draft dated 05.09.2020 for an amount of Rs.81,25,000/- has been handed over to learned counsel for respondent No.2/complainant towards payment of second instalment as per compromise dated 04.08.2020.

The petitioner and respondent No.2/complainant have also appeared before this Court through video conferencing and have admitted the execution and terms and conditions of the compromise. Respondent No.2/complainant has also submitted that she has no objection to quashing of FIR on the basis of compromise and prayed that the petitioner may be directed to ensure payment of third instalment as per compromise to her at the time of making of her statement on 16.09.2020 fixed for second motion on the divorce petition filed under Section 13-B of the Hindu Marriage Act, 1955.

Learned State counsel has no objection in case the aforesaid FIR with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties in this case.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for respondent No.2/complainant and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052, Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255.

The offence involved in the present case arising out of matrimonial dispute is overwhelmingly and predominantly of private character and does not have any social impact. The parties have resolved their dispute and decided to part their ways. The compromise has been arrived at between the parties at the initial stage. The compromise will also contribute to peace and harmony in the society. In the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above, the petition is allowed and FIR No.07 dated 23.01.2018 registered under Section 498-A of the IPC at Police Station Women, Gurgaon, District Gurugram (Annexure P-1) is quashed with all consequential proceedings arising therefrom. Needless to say that the parties shall be bound by the terms and conditions of the compromise dated 04.08.2020 and the petitioner will be liable to pay the third instalment to respondent No.2/complainant as agreed to by him.