
(1992) 02 P&H CK 0072

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 14121-M of 1990

Ramesh Chand and ors.

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

Date of Decision : 12-02-1992

Acts Referred:

Citation : (1992) 1 AICLR 709 : (1992) 1 RCR(Criminal) 626

Hon'ble Judges : Harmohinder Kaur Sandhu, J

Advocate : Randhir Singh, Y. P. Malik, Advocates for appearing Parties

Judgement

Harmobinder Kaur Sandhu, J.

1. Usha Sharma, respondent No. 2 was Mavoued to Ramesh Chand on 321987 according to Hindu rites. Her father Jai Narain Sharma respondent No. 3 gave dowry at the time of marriage according to his capacity. The dowry articles were handed over to Ramesh Chand and his other relatives who are present petitioners. After marriage when father of Usha Sharma went to meet her, she complained that her husband and other petitioners did not treat her properly and subjected her to beating. They also did not allow her to write any letter. Her husband who was unemployed pressed her for bringing Rs. 40,000/ to Rs. 50,000/ from her parents. The petitioners who were not satisfied with the dowry treated Usha Sharma with cruelty. Father of Usha Sharma then made a complaint in writing to Superintendent of Police Karnal who forwarded the same to city Police Station Karnal on the basis of which case FIR No. 947 dated 24111988 under Section 498A, 406/420 Indian Penal Code was registered against the petitioners. The petitioners have now filed this petition under Section 482 Cr.P.C. for quashing FIR No 947 and consequent proceedings pending in the court of Chief Judicial Magistrate, Karnal.

2. It was averred in the petition that on the intervention of the relatives and respectable persons a compromise was brought about between the parties which was reduced into writing on 1191990 and was duly signed by respondents No. 2 and 3. It was produced before the Trial Court and a request was made for filing

the case but the Trial Court passed order Annexure P 3 disallowing their prayer on the ground that the offence under Section 498A was not compoundable. It was further alleged that respondent No. 2 had also filed an application under Section 125 of the Code of Criminal Procedure for grant of maintenance which was dismissed as withdrawn in view of the compromise arrived at between the parties. An ex parte decree of divorce has also been passed in favour of petitioner No. 1 and marriage of petitioner No. 1 with Usha Sharma stood dissolved. All the articles of dowry had been returned to respondents No. 2 and 3 and the whole dispute had been amicably settled. In these circumstances, there was no likelihood of conviction in the present case and if the proceedings continued that would to an abuse of the process of the court.

3. I have heard Mr. Y. P. Malik, learned counsel for the petitioner, Mr. Randhir Singh, Deputy Advocate General for the State and Mr. P. S. Bhullar, Counsel for respondents No. 2 and 3.

4. Annexure P. 2 is certified copy of the compromise which was presented in the court of Chief Judicial Magistrate, Karnal. It was mentioned in this document that the compromise was effected voluntarily without any misrepresentation and Usha Sharma had received all the dowry articles from her husband and also some cash amount and there remained no dispute regarding any item of dowry. The parties, were however, not permitted to effect compromise as the offence under Section 498A of the Indian Penal Code was not compoundable. The order of the Chief Judicial Magistrate, Karnal to that effect is Annexure P3 Annexure P5 shows that the application under Section 125 Cr.P.C. filed by Usha Sharma was dismissed as withdrawn in view of the compromise and Annexure P6 makes it clear that matrimonial alliance between Usha Sharma and Ramesh Chand stood dissolved by a decree of divorce. The main dispute between the parties was regarding the adequacy of dowry and harassment of the wife. As the marriage stands dissolved all the disputes relating to dowry. have been settled. The continuance of the proceedings in the Trial Court will not serve any useful purpose and will simply amount to futile exercise and harassment of the petitioners. In similar situation FIR and consequent proceedings were quashed. In the case of Gurdeep Singh and others v. Smt. Ginni, 1991(3) RCR(Cr.) 349 (P&H) : 1991(1) CLR 617 and it was observed :

"No doubt the offences under Section 406/98A of the Indian Penal Code are not compoundable yet all the same the prosecution of the accused petitioners is bound to end in smoke as the complainant would not support the allegations contained therein in view of the compromise. Thus, under these circumstance, the pendency of the case and the investigation of the case would simply amount to futile exercise and harassment to the accused petitioners. Consequently, the impugned FIR Annexure P3 and other proceedings resulting therefrom are quashed by accepting this petition."

5. Similarly in the case of Lt. Col. S.K. Bagga v. State of Haryana and others, 1990(2) CC Case 90 the parties entered into compromise and agreed to

withdraw the cases pending inter se, the question to be determined was whether it was useful to allow to continue proceedings when the parties have effected compromise? It was observed:

"It has been repeatedly held that where the chances of conviction are remote, no useful purpose is served by letting the proceedings continue. This amounts to waste of public time. In order to ensure that in future also the parties remain bound by the compromise and do not prove a source of trouble to each other, it seems advisable to quash the FIR in the instant case."

In the present case marriage of Ramesh Chand with Usha Sharma is no longer subsisting. The parties have settled all their disputes regarding dowry and maintenance. Application under Section 125 Cr.P.C. has been withdrawn by respondent No. 2. So I deem it a fit case where FIR Annexure P1 should also be quashed to save the parties from further expense and harassment, although the offence under Section 498A of the Indian Penal Code is not compoundable even with the permission of the court. In view of the compromise there seems no likelihood of conviction.

6. For the foregoing reasons I allow this petition, quash FIR Annexure P1 and the consequent proceedings against the petitioners pending in the court of Chief Judicial Magistrate, Karnal.