
(1996) 02 P&H CK 0002

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 773-M-1996

Ravinder Krishan and Others

APPELLANT

Vs

Union Territory, Administration and Others

RESPONDENT

Date of Decision : 13-02-1996

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 307, 326, 406, 498A

Citation : (1997) CriLJ 9 : (1996) 2 RCR(Criminal) 431

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

Bench : Single Bench

Advocate : Chetan Mittal, for the Appellant; Ajay Lamba and Ravi Kapur, 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. 4/94 dated 4-1-1994 registered at Police Station (East) Chandigarh for the offences under Sections 406/498-A IPC read with Sections 3/4 of the Dowry Prohibition Act, on the statement of Smt. Meenu Sudan respondent No. 2 herein.

2. According to the averments made in the First Information Report marriage between Ravinder Krishan petitioner No. 1 and Smt. Meenu Sudan respondent No. 2 was solemnised as per Hindu rites on 14-12-1992 at Chandigarh where they lived and cohabited as husband and wife. No child was born out of this wed lock. Petitioner No. 2 is the brother-in-law. Petitioner No. 3 is the sister", petitioner No. 4 is mother and petitioner No. 5 is brother of petitioner No. 1.

3. It has been alleged by Smt. Meenu Sudan that the petitioners were dissatisfied with the cash and articles brought by her in dowry, that she was mentally and physically tortured by all the petitioners from time to time in various ways, that ultimately petitioners raised a demand for Rs. 5 lac to enable

petitioner No. 5 to set up a business of petrol pump and ultimately she was thrown out of the matrimonial home in three wearing clothes, in the month of March, 1993.

4. It has been stated in the present petition that after the registration of the aforesaid First Information Report, petitioner No. 1 and respondent No. 2 have amicably settled all their matrimonial disputes and differences arising out of the said marriage and decided to dissolve their marriage by a decree of divorce by mutual consent for which petition (Annexure p. 1) has been filed. It is further stated that no dispute of any kind now remains to be settled between the parties and the continuation of the investigation and the consequent proceedings in respect of the First Information Report in question would amount to perpetuating injustice to the parties. It is thus prayed that the First Information Report in question and the consequent proceedings thereon may be quashed.

5. Notice of motion was given to the respondents. No written reply has been filed by either of the respondents. However a photo copy of the order dated 12-2-1996 passed by the District Judge, Chandigarh thereby dissolving the marriage between petitioner No. 1 and respondent No. 2 by a decree of divorce by mutual consent has been placed on this record. Shri Ravi Kapur Advocate, learned counsel while appearing for respondent No. 2 has conceded that all the matrimonial disputes including the allegations made in the First Information Report in question, have been mutually settled and since the First Information Report inter alia contains an offence which is not compoundable, this court may quash the First Information Report to secure the ends of justice.

6. I have heard the learned counsel for the parties and have given my careful thought to the prayer being made by them. 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 of Criminal Procedure for quashing the First Information Report.

7. 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.

8. In *Sri Naraiti v. State of Rajasthan 2 (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 orders. 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.

9. Identical Criminal proceedings were quashed by the Delhi High Court in Arun Kumar Vohra v. Ritu Vohra 1995 (2) RCR 76 and this court in Mohinder Singh v. State of Punjab 1993 (2) CCC 444, Devinder Singh v. Santokh Kaur Criminal Misc. Mo. 8528-M 1995 decided on 9-1-1996 and Surinder Paul Singh v. State of Punjab Criminal Revision No. 619 of 1995 decided on 19-3-1996.

10. In the present case, all the matrimonial disputes including those contained in the First Information Report in question have been amicably settled between petitioner No. I and respondent No. 2 and their marriage has been dissolved by a decree of divorce by mutual consent. Once the parties have settled their disputes and differences, it would be an exercise in futility to file the challan in the court and to proceed with the trial. Looking to the 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 a trial in a criminal charge which has lost its objective.

11. For the reasons mentioned above, I accept this petition and hereby quash the First Information Report No. 4/94 dated 4-1-1994 registered at police Station East, Chandigarh for the offences under Sections 406/498-A of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, and all other subsequent proceedings thereon.