
(2001) 03 P&H CK 0084

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 3351-M of 2001

Shiv Kumar

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 13-03-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 109, 120, 34

Citation : (2001) 2 DMC 594 : (2001) 2 RCR(Criminal) 749

Hon'ble Judges : K.S. Kumaran, J

Bench : Single Bench

Advocate : Mr. J.S. Chaudhary, for the Appellant; Mr. S.K. Sharma, D.A.G. and Mr. H.S. Dhandi, for the Respondent

Judgement

K.S. Kumaran, J.—Second-respondent-Anju Singla gave a complaint against the petitioners on the basis of which F.I.R. No. 41 dated 20.7.2000 has been registered at Police Station Machhiwara under Sections 406, 323, 506, 498A, 109, 34, 120B IPC.

2. The petitioners have approached this Court u/s 482 Cr.P.C. for quashing the above said F.I.R. Among other things the petitioners have alleged that a compromise has been effected between the two parties on 2.11.2000, as per which, it has been agreed that F.I.R. in question is not to be pursued. According to the petitioners, the second-respondent has received her dowry articles. They also claim that the first-petitioner who is the husband of the second-respondent has agreed to pay Rs. 4 lakhs to the second-respondent as permanent alimony for herself and for her minor child-Damimi, out of which the second-respondent shall deposit Rs. 1 lakh in the bank in the name of the minor child. The petitioners also claim that if one of the parties files a petition for divorce, the opposite party shall not contest the same. According to the petitioners, they have also agreed to get a mutual decree of divorce. Therefore, the petitioners pray that in view of the compromise, the FIR in question and the consequential

proceedings may be quashed.

3. Notice to Advocate General, Punjab and to the second respondent was ordered. The second-respondent entered appearance through counsel. The second-respondent Anju Singla has also filed an affidavit wherein she has stated that the F.I.R. in question, which has been registered at her instance, may be quashed, inasmuch as there is a compromise between the petitioners and herself, as per the terms and conditions mentioned in para No. 6 of the petition, and as she does not want to pursue the said F.I.R.

4. Anju Singla, the second-respondent also appeared in Court and was identified by her counsel. Before Court, she stated that she has lodged the F.I.R. in question against her husband-Shiv Kumar and others at Police Station Machhiwara, that she has compromised with the accused, and that she has no objection for quashing the F.I.R. in question. She also stated that she has also filed affidavit to this effect. Anju Singla also stated that she has received a sum of Rs. 4 lakhs from her husband-Shiv Kumar in settlement of all claims against him.

5. The learned counsel for the State initially wanted to file a reply, and this petition was adjourned, but on the adjourned date the learned counsel for the State reported that the State did not to file any reply.

6. I have heard the counsel for both the sides and perused the records.

7. It is clear from the affidavit of the second-respondent Anju Singla and her statement in Court that she has compromised with the petitioners, and has also received a sum of Rs. 4 lakhs from her husband-Shiv Kumar, the first- petitioner herein. It is also seen that they have agreed to get the marriage dissolved by divorce. It is evident that in view of the compromise she is not interested in pursuing her complaint on the basis of which the F.I.R. in question has been registered. Therefore, permitting the F.I.R. in question and the further proceedings arising therefrom to continue would not only be a waste of time for the parties concerned but also for the Court. The proceedings are not likely to end in a conviction in view of the compromise between the parties, since the complainant-second-respondent is not likely to support the complaint.

Therefore, in the interest of justice and to allow the parties, who have compromised the matter, to live in peace, I am of the view that the F.I.R. in question and the consequential proceedings, if any, should be quashed.

8. Accordingly the petition is allowed.

The F.I.R. in question and the consequential proceedings, if any, are quashed.

9. Petition allowed.