
(2004) 02 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 4828-M of 2004

Sukhdev Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 20-02-2004

Acts Referred:

Citation : (2004) 2 AICLR 979 : (2004) 2 RCR(Criminal) 111

Hon'ble Judges : Virender Singh, J

Advocate : Mr. K.S. Ahluwalia, Advocate. Ms. Ashish Verma, AAG, Punjab. For the Complainant, Mr. Lekh Raj Sharma, Advocate., Advocates for appearing Parties

Judgement

Virender Singh, J.

1. Sukhdev Singh the petitioner herein, husband of Rupinder Kaur is seeking quashing of FIR No. 51 dated 1.5.2001 registered at police station Bhogpur, under Sections 406/498A IPC in view of the compromise Annexure P2 arrived at between the family of petitioner and respondent No. 2.

2. I do not intend to delve into detailed discussion in the case as the matter already stands compromised.

3. It is contended by Mr. Ahluwalia that coaccused of the petitioner namely Pritam Singh, Parminder Singh, Swarn Kaur and Sukhdev Singh already stand acquitted by the learned trial Court vide judgment dated 20.10.2003 as all the main witnesses including respondent No. 2 did not support the case of the prosecution. He relies upon Annexure P3.

4. The learned counsel contends that the case of the present petitioner was segregated as he was declared proclaimed offender. He has drawn my attention to the allegations of the complainant and states that the present petitioner had left for Germany on 5.3.2000, whereas the complaint was moved to Senior Superintendent of Police concerned by respondent No. 2 on 17.4.2000 and the present case was thereafter registered on 1.5.2000. He further contends that

after registration of the case in order to secure presence of the petitioner, the prosecution agency had been coming at the permanent address of the present petitioner (village Manak Rai, Tehsil and District Jalandhar) and every time it was disclosed to the police that the petitioner is residing in Germany; that the proclamation of the present petitioner was done in his native village. He then contends that since the matter has now been compromised and the coaccused have also been acquitted, the continuation of the present proceedings would end in smoke resulting in waste of Court's time and as such are liable to be quashed. In support of his contentions, learned counsel relies upon the decisions rendered in 1995(2) RCR 127 and 1996(1) CLR 619.

5. Mr. Ahluwalia further contends that in terms of the compromise (Annexure P2), the entire amount of Rs. 2,70,000/ as permanent alimony and in lieu of the dowry articles has already been received by respondent No. 2. A revalidated draft for the said amount has been accepted by Rupinder Kaur today in Court.

6. Relying upon a latest decision of the Hon'ble Apex Court in B.S. Joshi and others v. State of Haryana and another, 2003(2) RCR(Crl.) 888 (SC) , the learned counsel submits that the basic rationale of the judgment is to put the parties for a smooth future life. In support of his contentions, the learned counsel also relies upon a latest judgment of this Court in Smt. Sobha Mehra and another v. State of Haryana and another, 2004(1) RCR(Crl.) 136 .

7. In B.S. Joshi and others v. State of Haryana and another, 2003(2) RCR(Crl.) 888, their Lordships have observed as under :

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"14. There is no doubt that the object of introducing Chapter XXA containing section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper technical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that nonexercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code."

8. Keeping in the view the facts of the present case, the policy of law as well as the spirit of judgment of the Supreme Court in B.S. Joshi's case (supra) and to avoid any unnecessary harassment or agony to the parties, the First Information Report and subsequent proceedings arising therefrom are liable to be quashed.

Resultantly, the present petition is allowed. FIR No. 51 dated 1.5.2001 registered at police station Bhogpur, under Sections 406/498A IPC and all the subsequent proceedings arising therefrom qua the petitioners are hereby quashed.