
(1995) 02 P&H CK 0098

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 11993-M of 1994

Yash Pal Saini and Others

APPELLANT

Vs

The State of Punjab and Another

RESPONDENT

Date of Decision : 23-02-1995

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154, 482
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (1996) 1 DMC 463 : (1995) 3 RCR(Criminal) 535

Hon'ble Judges : V.S. Aggarwal, J

Bench : Single Bench

Advocate : Hemant Sarin and Alka Sarin, for the Appellant; S.S. Gill, Asstt. A.G., for the Respondent

Final Decision : Allowed

Judgement

V.S. Aggarwal, J.—Parveen Saini (Petitioner No. 3) was married to respondent No. 2, Shailja in January, 1992. Certain differences arose between the husband and the wife. Respondent No. 2 left her matrimonial home on 14.9.1992. On 6.12.1992, an FIR was lodged by respondent No. 2 against her husband, Parveen Saini, father of Parveen Saini, Shri Yashpal Saini, wife of Yashpal Saini namely Uma Saini, and Anupam Saini, daughter of Yashpal Saini. This pertains to offences punishable under Sections 406/498-A, IPC.

2. A formal FIR was registered and challan has been filed in the Court at Faridabad. Petitioner, Yashpal Saini, Smt. Uma Saini and Anupam Saini seek quashing of FIR (No. 886, dated 6.12.1992) and also challan pending in the Court of Shri Shiva Sharma, Judicial Magistrate, Faridabad. It is alleged that no specific allegations have been levelled against the petitioners for harassment of respondent No. 2 for demand of dowry. It is also asserted that during the pendency of the complaint, respondent No. 2 and her husband (petitioner No. 3) entered into a compromise. It was agreed that a petition for mutual divorce would be moved and that respondent No. 2 will not press her claim against the

petitioners in the criminal proceedings. It is prayed that no useful purpose would be served by continuing the proceedings resulting from FIR No. 886 dated 6.12.1992 and the same be quashed.

3. Notice was issued to respondent No. 2 but she did not appear despite service of the same.

4. It is consistent view of the Court that once the marriage is dissolved with mutual consent by decree of divorce and all disputes are settled amicably, in that event, it is in the interest of family and society that criminal proceedings under Sections 406/498-A may well be quashed. To the same affect as the judgment in the case of Nirlape Singh and Ors. v. State of Punjab and Anr. reported as 1993(2) All Ind Cri L R 800 (Pb. & Hry.). The same view prevailed in the case of Parkash Singh v. Smt. Santosh Kaur reported as 1994(1) All Ind Cri L R 319 I (1994) DMC 291 , and in case of Harmeet Singh v. The State of Punjab and Anr. 1994(2) All Ind Cri L R 107 = II (1994) DMC 473 (Pb. &Hry.).

5. The facts of the present case are basically identical. Copy of the judgment passed by Sh. S.S. Singh Dahiya, Addl. District Judge, Faridabad dated 2.5.1994 has been placed on record. Learned Addl. District Judge dissolved the marriage between petitioner No. 3 and respondent No. 2. Copy of the compromise that has been arrived at is appended as Annexure P-3. Paragraph (iii) of the same reads thus:

"That party of the first part Smt. Shailja had made a complaint before the P.S. Central Faridabad, in consequence of which FIR No. 886 dated 6.12.1992 u/s s406 &498-A, IPC was registered against Mr. Parveen Saini and his parents. Now through this agreement, the party of the first party has agreed that after getting decree of divorce not to press her claim in criminal proceedings in the Court of Shri Shiva Sharma, A.C.J.M., Faridabad, and has further agreed that she (Mrs. Shailja), her parents or any of her relatives shall not be giving any evidence in the criminal case mentioned above, against the second party or his parents. Since the differences of all sorts have been mutually resolved between the parties to this agreement and Smt. Shailja shall not have any objection to the filing of a petition revision/appeal by the husband i.e. Mr. Parveen Saini in the High Court of Punjab and Haryana, Chandigarh for quashing the proceedings registered under FIR No. 886 dated 6.12.1992, Under Sections 406 and 498-A, IPC."

6. The relevant extract leaves no doubt that respondent No. 2 is not to press her claim in criminal proceedings pending in the Court of Shri Shiva Sharma, Addl. C.J.M., Faridabad. Once such a settlement has been arrived at, it is patent that it is good for the society that all disputes end up amicably. No useful purpose would be served by allowing the parties to enter into agony of long trial which may not succeed. I accordingly, accept the present petition and quash FIR No. 886 dated 6.12.1992 and the proceedings pending in the Court of Shri Shiva Sharma, Addl. Chief Judicial Magistrate, Faridabad arising out of the above said

FIR.