

(2011) 06 P&H CK 0043

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-2272 of 2011 (O and M)

Narinder Kaur

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: June 9, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 498A, 506

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Jaswant Singh, J.

Prayer is u/s 482 of the Code of Criminal Procedure for quashing of FIR No. 21 dated 26.03.2003 under Sections 498A and 506 of Indian Penal Code registered with Police Station Bhogpur, District Jalandhar on the basis of compromise dated 20.02.2008(P3) arrived at between the Petitioner-wife and the Respondent No. 2-accused/husband residing in Italy.

2. As per allegations in the FIR Petitioner Narinder Kaur was being harassed and tortured on account of bringing insufficient dowry articles by the Respondent No. 2(husband of Petitioner). Respondent No. 2 along with his parents also used to threaten the Petitioner-wife to kill her on the pretext of bringing insufficient dowry articles.

3. This Court vide order dated 29.04.2011 had directed the parties to appear before the learned trial Court for getting their statements recorded in terms of the compromise and further directed the trial Court to submit its report regarding the genuineness of the compromise.

4. It is apposite to mention here that Crl. Misc. No. 32571 of 2011 for preponment of date of hearing from 13.06.2011 to 09.06.2011 was allowed on 06.06.2011 by coordinate bench while accepting the prayer.
5. Report (Mark-A) in the shape of letter dated 07.05.2011 of learned Judicial Magistrate Ist Class, Jalandhar duly accompanied by photocopies of statements of the parties recorded by that court has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately in terms of the compromise and stated that the matter between the parties has been compromised and Petitioner-complainant has no objection if the aforesaid FIR and all consequential proceedings are quashed against Respondent No. 2.
6. From the report submitted it is evident that the dispute between the Petitioner-complainant and Respondent No. 2-accused has been amicably resolved by entering into compromise wherein the complainant has stated that she has no objection if the present FIR against the Respondent No. 2accused is quashed.
7. Learned State Counsel is unable to raise any serious objection in view of the statements recorded in terms of the aforesaid compromise whereby the complainant is not willing to support the case of the prosecution.
8. Hon"ble Supreme Court in [B.S. Joshi and Others Vs. State of Haryana and Another](#), . has made it explicitly clear in para 15 of its judgment that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or effect the powers u/s 482 of the Code.
9. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR (Cri) 1052 has also held that this Court, in appropriate cases, while exercising powers u/s 482 Code of Criminal Procedure, may quash an FIR disclosing the commission of noncompoundable offences. The relevant extracts read as under:

The only inevitable conclusion from the above discussion is that there is no statutory bar under the Code of Criminal Procedure, which can affect the inherent power of this Court u/s 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar u/s 320 of the Code of Criminal Procedure, in order to prevent the abuse of law and to secure the ends of justice.
10. Hon"ble Apex Court in another case in [Nikhil Merchant Vs. Central Bureau of Investigation and Another](#), while relying upon its decision in B.S. Joshi's case(supra) has also held that in view of the compromise arrived at between the parties, the technicalities should not be allowed to stand in the way in the quashing of criminal proceedings and the continuance of the same after compromise between the parties would be a futile exercise.

11. Similar views were expressed by Hon"ble the Apex Court in [Madan Mohan Abbot Vs. State of Punjab](#), the relevant extract of which is as under:

We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

12. Keeping in view the above settled legal position and taking into account the fact that the dispute between the Petitioner-wife and Respondent No. 2-husband is of personal nature and that both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent powers u/s 482 Code of Criminal Procedure, for quashing of the FIR in the interest of justice.

13. Accordingly, the present petition is allowed and FIR No. 21 dated 26.03.2003 under Sections 498A and 506 of Indian Penal Code registered with Police Station Bhogpur, District Jalandhar as well as the subsequent proceedings arising there from are quashed against the Respondent No. 2-Satnam Singh.