

(2014) 07 P&H CK 0223

High Court Of Punjab And Haryana At Chandigarh

Case No: Crl. Misc. No. M-8297 of 2014 (O&M)

Siya Sharan Sahu

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: July 15, 2014

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Hindu Marriage Act, 1955 - Section 13B
- Penal Code, 1860 (IPC) - Section 34, 406, 498A

Hon'ble Judges: Surinder Gupta, J

Bench: Single Bench

Advocate: Jai Singh Brar, Advocate for the Appellant; G.S. Chahal, Addl. A.G, Advocate for the Respondent

Final Decision: Allowed

Judgement

Surinder Gupta, J.

The petitioners have filed this petition u/s 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") seeking quashing of FIR No. 278 dated 2.5.2013 (Annexure P-1), registered for offences punishable under Sections 498A, 406 read with Section 34 of Indian Penal Code (for short "IPC) at Police Station Civil Line, Gurgaon along with all consequential proceedings arising therefrom, on the basis of the compromise.

2. As per case of the prosecution, respondent No. 2 was married with petitioner No. 1 and after the marriage, the petitioners started harassing and maltreating her on the demand of dowry and also misappropriated the dowry articles.
3. Upon notice, Assistant Advocate General, has put in appearance on behalf of respondent No. 1-State.
4. I have heard learned counsel for the parties and perused the case file.

5. The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 28.04.2014 stating therein that the compromise has been effected in between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

6. Learned counsel for the petitioners has submitted that in pursuance to the compromise, petitioner No. 1 and respondent No. 2 had filed a joint petition u/s 13B of Hindu Marriage Act, 1955 for divorce by mutual consent and vide judgment dated 24.12.2013, a decree of divorce by mutual consent has already been passed in favour of the parties.

7. Learned State counsel has also not disputed compromise.

8. The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable u/s 498A IPC is not compoundable. In case Kulwinder Singh and Others Vs. State of Punjab and Another, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers u/s 482 Cr.P.C. even if the offence is not compoundable.

9. In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live separately in peace and harmony.

10. Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

11. In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.