

(2014) 05 P&H CK 0522

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Misc. No. M-12162 of 2014

Jagdev Singh alias Baldev Singh
and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: May 20, 2014

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 120-B, 34, 376, 406, 465

Hon'ble Judges: Inderjit Singh, J

Bench: Single Bench

Advocate: S.S. Majithia, Advocate and Mr. K.S. Lakhanpal, Advocate for the Appellant; Sandeep Bansal, Additional Advocate General, Punjab for State and Mr. K.S. Lakhanpal, Advocate for the Respondent No. 2, Advocate for the Respondent

Final Decision: Allowed

Judgement

Inderjit Singh, J.

This petition has been filed u/s 482 Cr.P.C. praying for quashing of complaint No. 99/1 dated 7.6.2012 for the offences under Sections 406, 498-A, 465, 467, 468, 471, 494, 506, 120-B and 34 IPC titled Swarandeep Kaur v. Jagdev Singh alias Baldev Singh and others, pending before the Judicial Magistrate Ist Class, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3).

2. The marriage of complainant Swarandeep Kaur was solemnized with Darshan Singh alias Darshi son of Jagdev Singh (petitioner No. 1) on 5.2.2008 according to Sikh rites and ceremonies at Gurudwara Kalgidhar Sahib, Payal, District Ludhiana. The petitioners are the family members and relatives of Darshan Singh alias Darshi. Due to differences on account of demand of dowry etc., matrimonial dispute arose between the parties. In the month of July 2008, husband of the complainant was

booked by the Police in criminal case u/s 376 IPC and was arrested and sent to Central Jail, Ludhiana. During that period the complainant started living in her parental house at Village Nijampur, District Ludhiana. Unfortunately on 7.7.2009, husband of the complainant had died in Central Jail, Ludhiana. Petitioners used to taunt the complainant on account of demand of dowry and after the death of her husband, they used to taunt her as "Dain" and that she had eaten their boy. Therefore, the complainant filed the above criminal complaint before the Court against the petitioners. Now with the intervention of the respectables and relatives of both the parties compromise (Annexure-P.3) has been effected and matrimonial dispute has amicably been settled without any under influence, coercion and fraud.

3. Learned counsel for the petitioners has given a draft amounting to Rs. 10 Lacs to respondent No. 2-Swarandeeep Kaur today in Court. A photostat copy of the draft is annexed with this petition as Annexure-P.4.

4. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned Chief Judicial Magistrate, Ludhiana for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate has sent his report dated 9.5.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Swarandeeep Kaur has stated that the compromise has been effected and she has no objection if the complaint case and subsequent proceedings are quashed. Both the parties have agreed to withdraw the other civil litigation pending against each other and she has received bank draft of Rs. 10 Lacs in the Court today.

5. Learned Additional Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No. 2 admit the factum of compromise and submit that in case the parties have indeed settled their matrimonial dispute, the State would have no objection to the quashing of the criminal complaint in view of the law laid down by the Hon"ble Supreme Court.

6. I have gone through the record and have heard learned counsel for the petitioners as well as learned Additional Advocate General, Punjab and learned counsel for complainant-respondent No. 2.

7. In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

8. The Hon"ble Supreme Court in [Gian Singh Vs. State of Punjab and Another,](#) has held that the inherent jurisdiction of this Court u/s 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial,

financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and complaint No. 99/1 dated 7.6.2012 for the offences under Sections 406, 498-A, 465, 467, 468, 471, 494, 506, 120-B and 34 IPC titled Swarandeeep Kaur v. Jagdev Singh alias Baldev Singh and others, pending before the Judicial Magistrate Ist Class, Ludhiana and all subsequent proceedings arising out of the same are hereby quashed.