

Jagdev Singh Alias Baldev Singh and Others Vs. State of Punjab and Another

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Court : Punjab and Haryana

Decided On : May-20-2014

Appellant : Jagdev Singh Alias Baldev Singh and Others

Respondent : State of Punjab and Another

Judgement :

In the High Court of Punjab and Haryana at ChandigarhCriminal Misc.

No.M-12162 of 2014Date of decision:20.5.2014 Jagdev Singh alias Baldev Singh and othersPetitioners v.

State of Punjab and anotherRespondents ...Coram: Hon'ble Mr.Justice Inderjit SinghPresent: Mr.S.S.Majithia, Advocate for the petitioners.Mr.Sandeep Bansal, Additional Advocate General, Punjab for the respondent-State.

Mr.K.S.Lakhanpal, Advocate for the complainant- respondent No.2....Inderjit Singh, J.

This petition has been filed under Section 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 Swarandeeep Kaur v.

Jagdev Singh alias Baldev Singh and others pending before the Judicial Magistrate 1st Class, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.3). The marriage of complainant Swarandeep Kaur was solemnized with Darshan Singh alias Darshi son of Jagdev Singh Parmar Harpal Singh 2014.05.22 11:34 I attest to the accuracy and integrity of this document Chandigarh Cr.

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No.M-12162 of 2014 [2].(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 under Section 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 undue influence, coercion and fraud.

Learned counsel for the petitioners has given a draft amounting to `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.

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 Parmar Harpal Singh 2014.05.22 11:34 I attest to the accuracy and integrity of this document Chandigarh Cr.

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No.M-12162 of 2014 [3].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 `10 Lacs in the Court today.

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.

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.

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 Parmar Harpal Singh 2014.05.22 11:34 I attest to the accuracy and integrity of this document Chandigarh Cr.

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No.M-12162 of 2014 [4].chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v.

State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 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.

May 20, 2014.

(Inderjit Singh) Judge *hsp* Parmar Harpal Singh 2014.05.22 11:34 I attest to the accuracy and integrity of this document Chandigarh

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