

Harmeet Singh Vs. State

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Court : Punjab and Haryana

Decided On : Nov-09-1993

Reported in : II(1994)DMC473

Judge : Harmohinder Kaur Sandhu, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 406, 498A and 506

Appeal No. : Crl. Misc. No. 3710-M of 1993

Appellant : Harmeet Singh

Respondent : State

Advocate for Def. : A.R. Sidhu, Adv.

Advocate for Pet/Ap. : Malkeet Singh, Adv.

Disposition : Petition allowed

Judgement :

Harmohinder Kaur Sandhu, J.

1. Harmeet Singh has filed this petition under Section 482 Cr.P.C. for quashing of First Information Report No. 15 dated 18.2.1989 registered at Police Station Ghagga Annexure P-1 and order dated 23.1.1991 framing charge for offences under Sections 406, 498A and 506 IPC.

2. The brief facts giving rise to the filing of this petition are that petitioner was married to Kamaljit Kaur daughter of Harpal Singh respondent No. 2 in March, 1988. Out of this wed lock a female child named Jaskirat Kaur was born in December 1980. Some misunderstanding developed between the petitioner and his wife and she left her matrimonial home in March, 1988 and thereafter she did not return. Her father lodged report Annexure P-1 against the petitioner and another. The petitioner was charged in that case for the various offences referred above. He is facing trial since 1991 but the case had not made any remarkable headway and even the prosecution evidence had not been concluded.

3. The petitioner alleged that he had entered into a compromise with respondent No. 2 and his daughter Kamaljit Kaur and they had decided to part company for ever and snap their matrimonial ties. Respondent No. 2 and Kamaljit Kaur had sworn affidavits to the effect that they did not want to persue the criminal case arising out of the First Information Report Annexure P-1 as they had already received dowry articles. Since both the parties had settled their disputes amicably the continuation of proceedings in these circumstances were to hamper the process of normalisation of relations. Although the offences under Sections 498A and 506 I.P.C. were not compoundable yet the First Information Report was liable to be quashed as no useful purpose was to be served by continuing the proceedings.

4. Alongwith the petition copy of the compromise-deed Annexure P-3 and affidavits of Harpal Singh and Kamaljit Kaur Annexures P-4 and P-5 were produced. Subsequently the petitioner also produced certified copy of the judgment dated 5.10.1993 passed by District Judge, Chandigarh in a petition under Section 13B of the Hindu Marriage Act presented by the petitioner and his wife Kamaljit Kaur, Vide this judgment a decree of divorce dissolving the marriage of the petitioner with Kamaljit Kaur was passed.

5. I have heard the learned Counsel for the parties and have perused the record.

6. It was conceded by learned Counsel for respondent No. 2 that the petitioner had effected compromise with respondent No. 2 and his daughter and marriage of the petitioner with Kamaljit Kaur has been dissolved by a decree of divorce.

Compromise was effected by the respondent and his daughter of their free will and respondent No. 2 and Kamaljit Kaur did not want to pursue the criminal case. A perusal of affidavits Annexures P-4 and P-5 shows that Kamaljit Kaur had received all her dowry articles from the petitioner. Marriage tie between the parties has been snapped and the respondent does not want to pursue the criminal case against the petitioner. In these circumstances there are very bleak chances of success of the case. It will, therefore, be in the greater interest of justice if criminal proceedings pending against the petitioner are brought to an end by quashing the First Information Report.

7. As a result I allow this petition and quash First Information Report No. 15 dated 18.2.1989 registered at Police Station, Ghagga Annexure P-1, order dated 23rd January, 1991 and subsequent proceedings taken in pursuance thereof.

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