

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10064- 2015

Date of Decision: October 15, 2015

Maan Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.J.S.Lalli, Advocate, for the petitioners

Mr.P.S.Ghuman, Addl.AG, Punjab,
for respondent No.1

Mrs.Kanwalpreet Kaur, respondent No.2 in person

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C., is for quashing of FIR No. No. 151, dated 27.06.2013, for the offences punishable under Sections 323, 406, 498-A, and 506, IPC, registered

at Police Station, City, Tarn Taran, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.05.2015, this Court had passed the following order:

“It is inter alia contended that a compromise has been reached between the parties. It is further contended that petitioner No. 1-Maan Singh and respondent No. 2-Kanwalpreet Kaur have now started residing together. Respondent No. 2-Kanwalpreet Kaur is stated to be present in person.

Notice of motion.

On the asking of Court, Mr. Gazi Mohd., DAG, Punjab accepts notice on behalf of respondent No. 1-State.

List on 10.08.2015.

In the meanwhile, parties are directed to appear before the trial Court on 20.05.2015, to record their statements regarding the factum of compromise and ensure that the same is genuine, voluntary and without any threat, coercion or pressure. The Investigating Officer is also directed to appear before the trial Court on the said date to identify the parties.

The trial Court shall send its report regarding genuineness of compromise and also the terms of settlement along with copies of the statements of the parties and the compromise before the next date.”

In compliance of the above, the petitioners as well as Kanwalpreet Kaur-respondent No. 2 did appear before the Court below and got recorded their respective statements with regard to the compromise. The copies of the statements as well as the report have been received from learned Chief Judicial Magistrate, Tarn Taran. Respondent No. 2/Kanwalpreet Kaur suffered the following statement:

“Stated that with the intervention of respectable and relatives of both the parties a compromise have been effected between both the parties. In view of the compromise the difference between us has been sorted out and matter has been compromised. Both the parties are willing to put an end to their enmity and willing to live peacefully. It is further stated that I voluntarily want to end this litigation. I made statement without any threat, coercion or pressure. We have no grievance with the accused Maan Singh (husband), Kuldeep Kaur W/o Puran Singh (Mother in law), FIR registered against them may kindly be quashed.”

Learned counsel for the petitioners submits that due to intervention of respectable and elderly people of the society, the matrimonial dispute going on between the petitioners and respondent No. 2 has been resolved and the husband and wife are

residing together happily.

Learned counsel for the State on instructions from Sub Inspector, Anokh Singh of Police Station, City, Tarn Taran, has also admitted the factum of compromise and has no objection in quashing of the impugned FIR.

In view of the fact that the matrimonial dispute has been resolved by way of compromise, therefore, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law.

In view of the totality of the facts and circumstances of the case and ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of *B.S. Joshi and others v. State of Haryana and another, 2003 (2) R.C.R. (Criminal)* 888, the present petition is accepted and, FIR No. 151, dated 27.06.2013, for the offences punishable under Sections 323, 406, 498-A, and 506, IPC, registered at Police Station, City, Tarn Taran, and all the consequential proceedings arising therefrom, are hereby quashed.

October 15, 2015
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(NARESH KUMAR SANGHI)
JUDGE