

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10073 of 2015

Date of decision: July 31, 2015.

Anil & others

... **Petitioners**

v.

State of Haryana & another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Sunil Polist, Advocate, for the petitioners.
Ms. Neelam Kashyap, Deputy Advocate General, Haryana
for respondent No.1.
Shri Mohan Sharma, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 108 dated 18.9.2013, registered under Sections 406, 498-A, 323, 506 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Kaithal Sadar, District Kaithal (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 2.3.2015 (Annexure P2).

2. Vide order dated 30.3.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The learned Judicial Magistrate was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Additional Chief Judicial Magistrate, Kaithal through the learned District & Sessions Judge, Kaithal along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“... parties have appeared in court. Their separate statements have been recorded separately. Complainant Ritu Devi daughter of Ram Roop, resident of village Guhna vide her statement stated that she has compromised the dispute with the accused persons. She stated that the said compromise was entered into with her free consent and she has no objection if the case is disposed off. In the present case there are three accused namely Anil son of Ved Parkash, Ved Parkash son of Jagannath and Birmati wife of Ved Parkash and only one victim/complainant namely Ritu Devi daughter of Ram Roop.

Joint statement of accused persons has also been recorded wherein they also admitted the fact of compromise.

In view of the above, I am of the opinion that parties have compromised the dispute which was entered into without any force, coercion or duress.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions,

he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the FIR is the off-shoot of matrimonial differences between the husband, petitioner No.1 Anil and his wife, respondent No.2 Ritu wherein the complainant has levelled various allegations, including demand of dowry, beatings, ill-treatment and coercion against the petitioner and his parents, petitioners No.2 and 3 herein.

7. From the statements of the complainant and her father as well as of the petitioners recorded by the learned Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 108 dated 18.9.2013, registered under Sections 406, 498-A, 323, 506 IPC at Police Station Kaithal Sadar, District Kaithal (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

July 31, 2015.
kadyan

[Darshan Singh]
Judge