

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

CRM-M No.11404 of 2015

Date of decision: July 14, 2015.

Harpreet Singh

... **Petitioner**

v.

State of Punjab & another

... **Respondents**

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

Present: Shri Jaswinder Singh, Advocate, for the petitioner.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Chouhan Satinder Singh Sisodia, Advocate
for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 123 dated 8.12.2014, registered under Sections 498-A, 406 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Sadar Batala, District Gurdaspur and all the subsequent proceedings on the basis of the compromise deed dated 19.3.2015 (Annexure P2).

2. Vide order dated 9.4.2015, a Coordinate Bench of this Court has directed the parties to get their statements recorded before the trial court/Illaq Magistrate. The learned 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 Judicial Magistrate 1st Class, Batala through the learned District & Sessions Judge, Gurdaspur along with the copies of the statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“First of all the statement of complainant Sukhjinder Kaur wife of Harpreet Singh daughter of Surjit Singh resident of village Harsia, Post Office Dayalgarh, Tehsil Batala has been recorded, who stated that with the intervention of respectable the matter stand compromised with accused Harpreet Singh and she has compromised the matter with her own free will and without any pressure and she has no objection if the FIR is quashed by the Hon'ble High Court. She has been duly identified by Bachan Singh, Numberdar of village Harsian, Tehsil Batala.

Then separate statement of petitioner/accused Harpreet Singh son of Balbir Singh resident of village Baghour, Police Station Samrala, District Ludhiana has been recorded, who stated therein that with the intervention of respectable and relative the matter stand compromise and compromise is genuine one. The accused has duly been identified by Sh. Amarpal Singh, Advocate.

From the above statement, it appears that compromise between parties has been arrived at voluntary and without undue influence, pressure and or coercion and the complainant

has no objection if the present case FIR is cancelled/quashed.

The copies of relevant statements are attached herewith for kind perusal of Hon'ble High Court."

4. Learned counsel for the petitioner 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 was lodged by the complainant-wife, respondent No.2 herein, against her husband Harpreet Singh, petitioner herein, and his family members for causing alleged cruelty/harassment to her; giving beatings and raising demand of dowry, in particular a car as her brother had got one in his marriage, which took place subsequent to the marriage of the petitioner and respondent No.2. It appears that the petitioner alone has been charge sheeted as it is he who has sought

quashing of the impugned FIR.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and her 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 petitioner 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. 123 dated 8.12.2014, registered under Sections 498-A, 406 IPC at Police Station Sadar Batala, District Gurdaspur 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 14, 2015.
kadyan

[Darshan Singh]
Judge