

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

CRM-M No.11691 of 2015

Date of decision: July 14, 2015.

Kulwant Singh & Others

... **Petitioners**

v.

State of Punjab & others

... **Respondents**

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

Present: Shri A.S. Manaise, Advocate, for the petitioners.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Gagandeep Singh, Advocate for respondents No.2 & 3.

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. 22 dated 11.2.2015, registered under Section 498-A of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Beas, District Amritsar and all the subsequent proceedings on the basis of the compromise deed dated 24.3.2015 (Annexure P2).

2. Vide order dated 11.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa 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 Sub Divisional Judicial Magistrate, Baba Bakala Sahib through the learned District & Sessions Judge, Amritsar 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:

“Petitioners Kulwant Singh s/o Hardeep Singh, Baljinder Kaur w/o Hardeep Singh and Daljinder Singh s/o Hardeep Singh and respondent No.2 Jasbir Singh s/o Pal Singh, respondent No.3 Hardish Kaur d/o Jasbir Singh appeared in this Court on 26.5.2015 for furnishing their statements. In this regard respondents no.2 and 3 suffered their separate statements before this court to the effect that present case was registered on the statement of respondent no.3/complainant against said petitioners/accused and that now the matter has been compromised with the accused persons with the intervention of respectables of the village and that they do not want to take further action against all the three accused persons. The respondents no.2 and 3 further stated that they have made their statements out of free will, without any coercion, threat, pressure or undue influence and that they have no objection if the FIR no.22 of 2015, registered at PS Beas is quashed by the Hon'ble High Court. Both the respondents no.2 and 3 were identified by Sh. Mangal Singh, Nambardar of village Rayya Khurd, Tehsil Baba Bakala Sahib, District Amritsar, as per his separate statement. On the other hand petitioners/accused

namely Kulwant Singh, Baljinder Kaur and Daljinder Singh suffered statement that the present case was registered against them on the statement of Hardish Kaur and that now the matter has been compromised with the complainant with the intervention of respectables of the village and that they are living peacefully. They further stated that they have made this statement and entered into compromise out of free wil, without any coercion, threat or pressure. The petitioners were identified by Sh. Kulwinder Singh, Member Panchayat of village Udhoke Khurd, Tehsil Baba Bakala Sahib, District Amritsar, as per his separate statement.

After considering their statements, the undersigned is of the opinion that said compromise has been entered into in between the petitioners/accused and complainant/respondents no.2 and 3 voluntarily, out of fre ewill and without any pressure or coercion and the same appears to be genuine one. As per FIR of this case, there are total three persons arrayed as accused and no one is proclaimed person. There appears to be no adverse affect upon any third party regarding the settlement between the parties.”

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 respondents No.2 and 3 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 came into existence on the written complaint moved by Jasbir Singh, respondent No.2 herein, to the effect that despite settlement arrived at between the parties, his daughter Hardish Kaur, respondent No.3 herein, was given beatings in connection with the demand of dowry by the three petitioners, who are her husband, mother-in-law and brother-in-law, respectively.

7. From the statements of the complainant 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. 22 dated 11.2.2015, registered under Section 498-A IPC at Police Station Beas, District Amritsar 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