

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

CRM-M-12277-2014 (O&M)

Date of Decision: February 4, 2015

Dyal Swaroop and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms.Poonam Josan, Advocate
for the petitioners.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

Mr.S.K.Virk, Advocate
for respondent No.2.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C.,
is for quashing of FIR No.194, dated 22.05.2009, for the offences
punishable under Sections 406, 420 and 498-A, IPC, registered at
Police Station, Division No.6, Jalandhar, and consequential
proceedings arising therefrom on the basis of compromise deed,
dated 28.03.2014, Annexure P2.

Vide order dated 11.04.2014, the petitioners as well as

respondent No.2-complainant were directed to appear before the learned trial Court for getting their respective statements recorded with regard to compromise. The said Court was directed to verify the genuineness of the compromise so effected between the parties.

In compliance of the above, the petitioners as well as respondent No.2-complainant-Ashu did appear before the Court below and got recorded their respective statements.

Complainant-Ashu suffered the following statement:-

“I entered into the compromise with the accused Dyal Sarup s/o late Sh.Onkar Nath and Kanta Rani W/o Onkar Nath vide compromise deed dated 28.03.2014, copy of the same is Ex.P1. In view of the said compromise I do not want to proceed with FIR No.194, dated 22.05.2009 u/s 406, 420, 498-A of IPC, registered on my statement, by the police of PS Division No.3, Jalandhar, against the accused namely Dyal Sarup S/o late Sh.Onkar Nath and Kanta Rani W/o Onkar Nath only, I have no objection if the said FIR be cancelled or quashed against Dyal Sarup S/o late Sh.Onkar Nath and Kanta Rani W/o Onkar Nath by the Hon'ble High Court. I entered into said compromise with the accused person voluntarily and without any kind of threats or coercion, duress or any undue influence.”

Petitioners Dyal Swaroop and Kanta, vide their separate statements also admitted the execution of the compromise.

Report received from learned Judicial Magistrate Ist Class, Jalandhar, is as under:-

“I have the honour to submit that as per directions of Hon'ble High Court, parties Ashu, Kanta Rani & Dyal Sarup have appeared before the undersigned, undersigned have recorded statements of the parties wherein they admitted that they have entered into the compromise Ex.P1 voluntarily, without any coercion, threat or undue influence. Thus I am of the opinion that complainant Ashu, accused Kanta Rani and Dyal Sarup have compromised the matter voluntarily. However accused Pushpa & Vijay Kumar have not come present before the Court. Copies of the statements recorded by the undersigned and copy of compromise Ex.P1 are enclosed herewith for your kind perusal.”

Learned counsel submits that the petitioners are the middlemen of the marriage between respondent No.2-complainant and her husband Vijay Kumar. They are not in blood relations of the husband of the complainant. During pendency of the case before the learned trial Court, better sense

has prevailed and the respondent No.2-complainant has sorted out her dispute with the petitioners and effected a compromise, Annexure P2. She further contends that respondent No.2-complainant as well as the petitioners had appeared before the Court below and suffered their respective statements with regard to compromise. She further contends that whereabouts of the husband and mother-in-law of the complainant are not known and, as such, they have been declared proclaimed offenders. She further contends that pendency of the FIR and consequential proceedings arising therefrom would be a sheer abuse of the process of law so far as petitioners are concerned.

Learned counsel for the State, on instructions from HC Malkeet Singh of Police Station, Division No.6, Jalandhar, very fairly concedes that the petitioners are the middlemen of the marriage between respondent No.2-complainant and Vijay Kumar and he has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed on the basis of compromise qua the petitioners.

Learned counsel for respondent No.2-complainant has also very fairly conceded the execution of the compromise deed, Annexure P2, between the petitioners and the respondent no.2-

complainant and, as such, he has also no objection if the impugned FIR and consequential proceedings are quashed qua the petitioners on the basis of compromise.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

As per the allegations, the petitioners were the middlemen of the marriage of respondent No.2 and her husband, Vijay Kumar. Whereabouts of the husband of the complainant and her mother-in-law are not known and, as such, the chargesheet (report under Section 173 Cr.P.C.) was presented against the petitioners only. Due to intervention of the respectable and elderly people of the society, private parties to the present petition have resolved their all disputes and effected a compromise, Annexure P2. Copies of the statements as well as the report received from the learned Court below also fortified the factum of execution of the compromise, Annexure P2.

In view 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, pendency of the impugned FIR and consequential proceedings

arising therefrom would be a sheer abuse of process of law and, as such, the present petition is allowed. FIR No.194, dated 22.05.2009, for the offences punishable under Sections 406, 420 and 498-A, IPC, registered at Police Station, Division No.6, Jalandhar, and consequential proceedings arising therefrom are hereby quashed qua the petitioners, Dyal Swaroop and Kanta only.

February 4, 2015
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(NARESH KUMAR SANGHI)
JUDGE