

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

CRM-M-12541-2015(O&M)

Date of Decision: September 14, 2015

Sunny Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Prateek Pandit, Advocate
for the petitioners.

Mr.P.S.Paul, DAG, Punjab.

Mr.Amit Kohar, Advocate
for respondent No.2.

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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.46, dated 06.10.2010, for the offence
punishable under Section 498-A read with Section 34, IPC,
registered at Police Station, Begowal, District Kapurthala, and all
the consequential proceedings arising therefrom, on the basis of

compromise.

Vide order dated 22.04.2015, the affected parties were directed to appear before learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a report on or before the adjourned date.

In compliance of the above, respondent No.2-informant-Sarabjit Kaur as well as the petitioners did appear before the Court below and got recorded their respective statements with regard to the compromise.

Respondent No.2-informant-Sarabjit Kaur suffered the following statement:-

“Stated that, I have compromised the matter with accused/petitioners Sunny Singh son of Sukhjinder Singh son of Vir Singh, aged about 31 years, private job and Sukhjinder Singh son of Vir Singh son of Prem Singh, aged about 59 years, Private Job, Both residents of House No.22/1, Avtar Nagar, New Suraj Ganj, District Jalandhar, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. A written compromise dated 21.11.2014 had already been executed between me and Sunny Singh and the said compromise deed had

already been placed on record as Ex.PA. The parties had already filed a divorce petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by passing decree of divorce by way of mutual consent on dated 19.12.2014 and the said petition at present is pending in the Hon'ble Court of Sh.R.S.Rai, learned District Judge, Kapurthala, and in the said petition the first statement of parties had already been recorded and now the said petition is pending for 03.07.2015 for final statement. All the terms and conditions have been settled between the parties and parties would remained bound by compromise deed Ex.PA. I have no objection if present FIR and all the subsequent proceedings against the accused/petitioners namely Sunny and Sukhjinder Singh be quashed. Apart from that petition u/s 13-B of Hindu Marriage Act, no any other case is pending between the parties at present."

The report received from learned Chief Judicial Magistrate, Kapurthala, would reveal that the compromise effected between the private parties was genuine and without any pressure or coercion.

Learned counsel representing respondent No.2-informant-Sarabjit Kaur also fairly submits that he has instructions to state at bar that Sarabjit Kaur has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise. He further submits that Sarabjit Kaur had appeared

before learned Chief Judicial Magistrate, Kapurthala, and suffered the statement with regard to the compromise.

Learned counsel for the State, on instructions from HC Chaman Singh, Police Station, Begowal, District Kapurthala, has also admitted the factum of compromise and has no objection with regard to quashing of the impugned FIR and consequential proceedings arising therefrom.

In view of the totality of the facts and circumstances of the case and keeping in view the ratio of the judgment delivered by Hon'ble 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 allowed. FIR No. 46, dated 06.10.2010, for the offence punishable under Section 498-A read with Section 34, IPC, registered at Police Station, Begowal, District Kapurthala, and all the consequential proceedings arising therefrom are quashed qua the petitioners.

September 14, 2015
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(NARESH KUMAR SANGHI)
JUDGE