IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13412-2015
Date of Decision: December 8, 2015

Jagjit Singh @ Joney and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Mr. Harpal Singh, Advocate,
for respondent No. 2/informant.

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)

The present petition under Section 482, Cr.P.C., has been filed by Jagjit Singh @ Joney, Surinder Singh and Pritam Kaur, for quashing of FIR No. 102, dated 16.6.2014 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, City-I, Abohar, District Fazilka, and all the consequential proceedings arising therefrom, on the

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basis of compromise/affidavit, dated 17.4.2015 (Annexure P-2).

Vide order dated 17.8.2015, the affected parties were directed to appear before the learned Area Magistrate for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report whether the compromise is genuine and without any pressure or coercion, alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Sub-Divisional Judicial Magistrate, Abohar, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, suffered the following statement:-

> *" Stated that present FIR No. 102 dated 16.06.2014 under section 406/498-A IPC was registered at PS City I Abohar against the accused Jagjeet Singh being my husband and Surinder Singh father in law, Pritam Kaur being mother in law. However, with the intervention of respectables I have effected a compromise with my own freewill and without any pressure. Now I have no objection if the accused is acquitted/discharged and the quashing petition filed by accused may kindly be accepted. I place on record the certified copy of order*

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passed in divorce petition filed by me and my husband U/s 13-B of Hindu Marriage Act, 1955 as Ex. C1."

The petitioners also suffered a joint statement admitting the factum of the compromise.

The operative part of the report received from learned Sub-Divisional Judicial Magistrate, Abohar, which is self-speaking, is as under:-

"2. The complainant Amandeep Kaur daughter of Mohabbat Singh, vide her separate statement as recorded before court, has stated that present case was registered against the accused Jagjeet Singh being her husband, Surinder Singh being father in law and Pritam Kaur being mother in law. She has further stated that with the intervention of respectables, she has effected a compromise with her own free will and without any pressure and now she has no objection if the accused are acquitted/discharged and the quashing petition filed by the accused may be accepted. She has also placed on record the certified copy of the order passed in divorce petition filed by her and her husband Under Section 13-B of Hindu Marriage Act 1955 being Exh.C1. On the other hand, the accused Jagjeet Singh, Surinder Singh and Pritam Kaur, vide their joint statement as recorded before the Court, has admitted the statement of the complainant to be correct and stated that quashing petition may kindly be accepted.

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3. The afore mentioned FIR has been registered against the accused named above on the allegations that marriage of the complainant was solemnized with accused Jagjeet Singh and her parents have given dowry beyond their status in the marriage but the accused were not satisfied with the same. The accused are further alleged to have committed criminal breach of trust in respect of the entrusted property and are further alleged to have demanded more dowry from the complainant and caused her physical and mental cruelty. However, now the parties i.e., complainant party as well as accused have also finally entered into mutual settlement whereby they have effected compromise among them.

4. In the said back ground keeping in view the statements so suffered by the complainant as well as all the accused, it seems that the compromise so effected between the parties is genuine and without any sort of undue pressure or coercion."

Learned counsel for the petitioners submits that the present criminal litigation has arisen out of a matrimonial dispute between petitioner No. 1, Jagjit Singh @ Joney, and respondent No. 2, Amandeep Kaur. Due to intervention of the respectable and elderly people of the society, they have resolved their all disputes and effected a compromise. As a sequel to the compromise, the husband and wife have decided

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to part with their company. He further submits that a petition under Section 13-B of the Hindu Marriage Act,1955, was filed in the Family Court at Sriganganagar (Rajasthan), which was allowed and a decree of divorce, dated 28.4.2015, has already been passed. He further submits that all the terms and conditions of the compromise have been materialized and at present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contentions, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi and others v. State of Haryana and another, 2003 (2) R.C.R. (Criminal) 888**.

Learned counsel for the State on instructions from ASI Ramesh Kumar of Police Station, City-I, Abohar, District Fazilka, and after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis

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of the compromise.

Learned counsel for respondent No. 2/informant also admits the factum of the compromise. He further submits that respondent No. 2, Amandeep Kaur, did appear before learned Court below and suffered the statement with regard to the compromise. He further submits that he has instructions to state at the bar that respondent No. 2 has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the impugned FIR and the consequential proceedings had arisen out of a matrimonial dispute. During pendency of the same, better sense has prevailed and both the private factions have resolved their dispute and effected a compromise. A decree of divorce has already been passed by learned Family Court, Sriganganagar.

The affected parties did appear before learned Court below and got recorded their respective statements. The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant has genuinely effected a compromise with the

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petitioners and she has no objection if the impugned FIR and consequential proceedings are quashed.

This Court also finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

In view the statements suffered by the parties, report received from learned Court below, the admission on the part of learned counsel for the respondents, and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi (supra),** present petition is accepted and FIR No. 102, dated 16.6.2014 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, City-I, Abohar, District Fazilka, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 8, 2015
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