

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

CRM-M No.13880 of 2015

Date of decision: July 29, 2015.

Sahil Sharma and another

... **Petitioners**

v.

State of Punjab and another

... **Respondents**

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

Present: Shri Arnav Sood, Advocate, for the petitioners.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Munish Gulati, Advocate for respondent No.2 .

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No.3 dated 4.1.2013, registered under Sections 498-A, 406, 34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 20.12.2014 (Annexure P2).

2. Vide order dated 30.4.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate/trial court. The learned Illaqa Magistrate/trial court 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, Hoshiarpur through the learned District & Sessions Judge, Hoshiarpur along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“... both the parties i.e. Petitioners/accused Sahil Sharma/petitioner No.1 and Mohan Lal Sharma/petitioner No.2 recorded their respective statement on 12.05.2015 whereas respondent No.2/complainant Reeta Sharma appeared and recorded her statement with regard to compromise. Statements of petitioners/accused No.1 and 2 were counter authenticated by their counsel whereas statement of respondent No.2/complainant was counter authenticated by her counsel.

As per the statements suffered by the parties i.e. petitioners and respondent No.2, that they have compromised the matter voluntarily, without any coercion or undue influence and is a genuine one and from the statement of the parties, the Court is of the considered opinion that both the parties have entered into a genuine compromise, voluntarily, and without any coercion or undue influence. Further in the present case FIR there are only two accused who were arrayed in the FIR i.e. petitioners No.1 and 2 and none of the accused is proclaimed offender and the settlement between the parties has not any adverse affect upon any third party. ...”

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 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 accusations against petitioners No.1 and 2, who are husband and father-in-law respectively, of the complainant – respondent No.2 Reeta Sharma, are of harassment, torture and demand of dowry in concert with their other family members. Now, petitioner No.1 and respondent No.2 have decided to part ways and have filed a joint petition under Section 13-B of the Hindu Marriage Act for the grant of a decree of divorce by mutual consent and in lieu of permanent alimony, the petitioner-husband has delivered a demand draft of Rs.3.00 lacs to the respondent-wife. A photocopy of the demand draft has been appended with the report by learned Judicial Magistrate.

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 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.3 dated 4.1.2013, registered under Sections 498-A, 406, 34 IPC at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) 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 29, 2015.
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[**Darshan Singh**]
Judge