

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-14053 of 2015

Decided on : 27.05.2015

Amit Kumar @ Vicky and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Digvijay Nagpal, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Raman Deep, Advocate for respondent No.2.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Hari Pal Verma, J. (Oral)

Prayer in the present petition is for quashing of FIR No.21, 30.8.2012, under Sections 406, 498-A, IPC, registered against the petitioners at Police Station Women Cell Patiala, District Patiala, Punjab (Annexure P/1) on the basis of compromise alongwith consequential proceedings arising therefrom.

On 01.05.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of FIR No. 21, dated 30.08.2012, for offence under Sections 406 and 498-A IPC, registered at Police Station, Women Cell Patiala, District-Patiala, Punjab, and all the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion for 27.05.2015.

In view of the compromise, the parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 08.05.2015.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence..”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Patiala, has submitted a report dated 18.5.2015 vide which it is mentioned that parties have appeared before the trial Court and gave their statements without any pressure and with their free will in respect of compromise effected between them. Statement of Rimpay Rani, @ Darshan Kumar r/o village Karhali, Tehsil and Distt. Patiala reads as under:-

I have compromised the matter with the accused Amit Kumar Verma @ Vicky, Rakesh Kumar @ Happy both sons of late Raj Kumar, Salochna Devi w/o late Raj Kumar, Parmala Devi wife of Rakesh all residence of B/43/262, Latoorpura Mohalla Jorian Bhathian Patiala in case FIR No.21, dated 30.8.12 under section 406/498—A, PS Women Cell, Patiala. All the disputes have been settled between us and as per the compromise I have received Rs.2 lakh at the time of making statement of first motion in petition under Section 13-B Hindu Marriage Act and rest of amount of Rs.1 lakh, I will receive at the time of making statement of second motion in Petition under Section 13-B Hindu Marriage Act which is pending for 16.10.2015. The compromise effected between us is genuine, voluntary and without any undue influence. I have no objection if the above noted FIR may be quashed against all the accused persons.”

Learned State counsel has also admitted the factum of compromise effected between the parties. After perusing the statements of the parties and the report of Judicial Magistrate, 1st Class, Patiala, learned State counsel submits that he has no objection if the impugned FIR is quashed.

However, learned counsel for the complainant submits that though the compromise has been effected between the parties but the petitioner is to make the balance payment of Rs.1 lakh at the time of making statement of second motion in petition under Section 13-B, Hindu Marriage Act, which is pending for 16.10.2015 before the District Judge, Patiala.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 406, 498-A, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Patiala has recorded the statements of the parties with regard to compromise and the report has also been received in this regard. Therefore, continuation of the trial arising out of the impugned FIR would be a sheer abuse of the process of law because chances of conviction are bleak.

Keeping in view the factum of the compromise effected between the private parties and the law laid down by Full Bench of this Court in the case of Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal), 1052, (P&H), this petition is accepted and FIR No.21, 30.8.2012, under Sections 406, 498-A, IPC, registered against the petitioners at Police Station Women Cell Patiala,

District Patiala, Punjab(Annexure P/1) along with consequential proceedings arising therefrom, are quashed. The petitioner shall make the balance amount at the time of making statement of second motion in petition under Section 13-B of the Hindu Marriage Act, which is pending for 16.10.2015 before the District Judge, Patiala.

[Hari Pal Verma]
Judge

27.05.2015
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