

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

**Criminal Misc. No. M-16032 of 2015(O&M)
Date of Decision: 02.07.2015**

Ms. Rashmi Khetarpal & another

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?*

Present:- Mr. Sachin Mittal, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.70 dated 29.3.2007 under Sections 406 and 498-A IPC registered at Police Station Matlauda, Distt.Panipat on the basis of compromise dated 14.10.2013 (Annexure P2), as arrived at between the complainant-respondent no.2 and the present petitioners.

The petitioners are the signatories to the compromise dated 14.10.2013, wherein it is settled between the parties that they shall withdraw all the litigation pending between themselves. The

parties shall approach the appropriate Court for withdrawal of all the cases and in future, no party shall file any civil, criminal, maintenance or defamation case against each other or any family members.

Learned counsel for the petitioner submits that CRM No.M-17212 of 2014 was filed by (i) Deepak Sikka son of Ram Nath Sikka (husband), (ii) Ram Nath Sikka father of Deepak Sikka (father-in-law) and (iii) Kamlesh wife of Ram Nath Sikka (mother-in-law) for quashing of aforesaid FIR No.70 dated 29.3.2007 under Sections 406 and 498-A IPC registered at Police Station Matlauda, Distt.Panipat on the basis of same compromise dated 14.10.2013 (Annexure P2) and in the said case, this Court, vide order dated 10.10.2014, while taking note of the compromise, had directed the parties to appear before the Area Magistrate to get their respective statements recorded. Pursuant thereto, the parties appeared before the Judicial Magistrate Ist Class, Panipat and got their statements recorded. On the basis of statements so recorded by the parties, learned Magistrate forwarded report dated 17.12.2014, which reads thus:-

“I have the honour to submit that vide order dated 10.10.2014 passed by Hon'ble High Court in CRM-No.-17212 of 2014, the Hon'ble High Court directed the Area Magistrate to record the statement of parties regarding the compromise having been reached between the party, in the matter mentioned in the subject matter. Parties

were directed to appear before the court on 14.11.2014 for recording their statements. On 14.11.2014, accused Deepak Sikka, Ram Nath Sikka, Kamlesh Sikka appeared before the court and made their statement but complainant Shikha Verma was not appeared before the court on 14.11.2014. Thereafter, notice was issued to complainant Shikha Verma. However, Shikha Verma , complainant appeared before the court on 15.12.2014 and made statement that compromise has been effected with accused Deepak Sikka, Ram Nath Sikka, Kamlesh Sikka, Renu Wadhwa and Rashmi Khetarpal, she has received a sum of Rs.5,44,000/- from the accused and nothing is due against them. Accused Deepak Sikka, Ram Nath Sikka and Kamlesh Sikka appeared before the court on 15.12.2014 and accused Renu Wadhwa and Rashmi Khetarpal appeared before the court on 16.12.2014 and made their statements to the effect that compromise has been effected between the parties and nothing is due. Statement of parties in this regard recorded separately. Keeping in view the statement of parties, it appears that, compromise between the parties is genuine and outcome of free consent of the parties and is without any coercion. Copy of statement of parties is attached herewith. Accordingly, this matter is being brought to your kind notice for information and further necessary action”.

Learned counsel for the petitioners submits that on the basis of report dated 17.12.2014 submitted by Judicial Magistrate Ist Class, Panipat in CRM No.M-17212 of 2014, this Court has quashed

the aforesaid FIR vide order dated 16.1.2015. The record of CRM No.M-17212 of 2014 has been consulted and it has been found that respondent no.2 Ms. Shikha Verma d/o Sat Pal Verma, resident of H.No.C-2109, Panipat Refinery, Panipat has made a categorical statement on 15.12.2014 that she has compromised with the accused namely Deepak Sikka, Kamlesh Sikka, Ram Nath Sikka, Rashmi Khetarpal, Renu Wadhwan and she has received Rs.5,44,000/-. She has further stated that the compromise has been effected without any pressure and she has no objection if the case/FIR is quashed. The said statement has been recorded before Judicial Magistrate Ist Class, Panipat where the complainant has been duly identified by Ms. Neelam Khanna, Advocate. Thus, complainant has admitted compromise *qua* all the accused named in the FIR.

Learned counsel for the petitioner submits that while issuing notice of motion for 2.7.2015, this Court had directed the parties to appear before the trial Court for getting their statements recorded with regard to the compromise. However, respondent no.2, though while appearing before the Magistrate has got her statement recorded on 15.12.2014 in CRM No.M-17212 of 2014, but now, she is not inclined to undergo the similar exercise once again. Learned counsel further submitted that it may be on account of inconvenience caused to the complainant-respondent no.2, that she is not coming forward to get her statement recorded once again. Thus, on account

of non-appearance of the respondent no.2-complainant before the trial Court, the present FIR is technically surviving against the present petitioners, though otherwise a compromise has already been arrived at between the parties.

Learned State counsel does not dispute the factum of compromise, as entered between the parties as well as the statement made by the complainant-respondent no.2 Shikha Verma before the Judicial Magistrate 1st Class, Panipat on 15.12.2014.

I have heard learned counsel for the parties and perused the record.

There is no dispute that the marital discord between the complainant-respondent no.2 Shikha Verma and the husband namely Deepak Sikka has already been compromised and the complainant wife has already received a sum of Rs.5,44,000/- from the husband and nothing is outstanding against the husband and other accused. The report submitted by the Judicial Magistrate 1st Class, Panipat dated 17.12.2014 has revealed that a compromise has been effected between the parties and the present petitioners as well as the complainant-respondent no.2 are signatories to the said compromise. Respondent no.2 has further appeared before the learned Magistrate on 15.12.2014 and has made a statement, accepting the compromise dated 14.10.2013 (Annexure P2). She has made a statement that she has no objection in case the FIR is quashed. Even report dated 17.12.2014, as forwarded by learned

Magistrate mentions the fact that the said complainant-respondent has effected the compromise with the accused including the present petitioners. The genuineness of the compromise is, thus, duly established. Merely because the complainant is not interested and undertake the exercise of recording of her statement afresh, the petitioners cannot be allowed to suffer. The statement already suffered by the complainant in CRM-M-17212 of 2014, followed by report of Magistrate dated 17.12.2014 is sufficient to establish that complainant has compromised the FIR viz-a-viz all the accused including the present petitioners.

In view of the above, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.70 dated 29.3.2007 under Sections 406 and 498-A IPC registered at Police Station Matlauda, Distt.Panipat is quashed on the basis of compromise dated 14.10.2013 (Annexure P2).

July 02, 2015
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(HARI PAL VERMA)
JUDGE