

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-17195-2015

Date of Decision: December 19, 2015

Manohar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gagandeep Singh Simble, Advocate,
for the petitioners.

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

Mr. K.S. Brar, Advocate,
for respondent No. 2/complainant.

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 Manohar Singh, Bikram Singh @ Titu, Jagdish Singh, Amanpreet Kaur and Pinki, for quashing of Complaint No.

56A, dated 19.2.2011 (Annexure P-1), titled as “Manpreet Kaur v. Manohar Singh and others”, for the offences punishable under Sections 406 and 498-A read with Section 34, IPC, pending before learned Sub-Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 11.5.2015 (Annexure P-2).

Vide order dated 25.5.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a report in that regard to this Court.

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

Respondent No. 2/complainant, Manpreet Kaur, suffered the following statement:-

“ I have filed the present complaint case against six persons. Out of them five accused persons namely Manohar Singh, Bikram Singh, Jagdish Singh, Amanpreet Kaur and Pinki were summoned and are facing trial. I

have compromised the matter with all the accused persons mentioned above with the intervention of respectable persons of the village. I have no objection if the said complaint case and subsequent proceedings arising out of said complaint are quashed by the Hon'ble High Court. I do not want to take further action against all the accused. I have made this statement out of mine own sweet will, without any threat or pressure. Compromise with accused persons have been effected out of mine own sweet will and without any kind of pressure from any one. ”

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, Baba Bakala Sahib, is as under:-

“3. After considering their statements, the undersigned is of the opinion that said compromise has been entered into in between the petitioners/accused and complainant/respondent no. 2 voluntarily, out of free will and without any pressure or coercion and the same appears to be genuine one. The copies of statements of the parties and documents are being sent herewith, for kind perusal of the Hon'ble High Court, as desired. Hence, this report as per the directions of the Hon'ble High Court.”

Learned counsel for the petitioners submits that the present criminal litigation has arisen out of a matrimonial dispute between petitioner No. 1, Manohar Singh, and respondent No. 2, Manpreet 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 to part with their company. He further submits that a decree of divorce has already been granted by the Court of competent jurisdiction at Amritsar. 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 complaint 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 after going through the

statements and the report received from learned Court below, very fairly admits that the present criminal litigation has arisen out of a matrimonial dispute and the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned complaint and all the consequential proceedings are quashed on the basis of the compromise.

Learned counsel for respondent No. 2/complainant also admits the factum of the compromise. He further submits that respondent No. 2, Manpreet 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 complaint 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 complaint 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 a Court of

competent jurisdiction at Amritsar.

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/complainant has genuinely effected a compromise with the petitioners and she has no objection if the impugned complaint and consequential proceedings are quashed.

This Court also finds 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 of 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 Complaint No. 56A, dated 19.2.2011 (Annexure P-1), titled as "Manpreet Kaur v. Manohar Singh and others", for the offences punishable under Sections 406 and 498-A read with Section 34, IPC, pending before learned Sub-

Divisional Judicial Magistrate, Baba Bakala Sahib, District
Amritsar, and all the consequential proceedings arising
therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 19, 2015
Pkapoor