

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

CRM-M-17458-2014

Date of decision : 14.08.2015

Mohinder Pal Singh Oberoi & others

..... Petitioners

Vs

State of Punjab & Anr.

.....Respondents

Coram : Hon'ble Mr. Justice Naresh Kumar Sanghi

- 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?**

Present : Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

NARESH KUMAR SANGHI, J. (oral)

Prayer in this petition, filed under Section 482 Cr.P.C., is for quashing of the FIR No.19 dated 15.02.2014 for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Women Cell, Jalandhar and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 25.05.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Jalandhar for getting their respective statements recorded with regard to compromise (Annexure P-2). The said Court was also directed to send the copies of the statements and a detailed report in that regard before this Court.

In compliance of the above order, the aggrieved woman Mandip Kaur (wife), Mohinder Pal Singh (father-in-law)

and Ravinder Kaur (mother-in-law) did appear before learned Chief Judicial Magistrate, Jalandhar and got recorded their respective statements with regard to the compromise.

A report dated 02.06.2015 has been received from learned Chief Judicial Magistrate, Jalandhar. The operative part of the report is as under :-

“Keeping in view all aspects and statements of the complainant and petitioners, I am of the considered view that complainant has arrived at a compromise with the above named petitioners voluntarily and without any pressure from any side and it is not a result of any pressure or coercion. This compromise is genuine and valid.”

The learned counsel for the petitioners submits that the present criminal litigation has emanated from a matrimonial dispute. Due to intervention of the respectable and elderly people of the society, the better sense has prevailed and both the parties have resolved their disputes and effected a compromise (Annexure P-2).

In compliance of the order 25.05.2015 passed by this Court, the petitioner Nos. 1 & 2 as well as respondent No.2 did appear before learned Chief Judicial Magistrate, Jalandhar and

got recorded their respective statements with regard to the compromise. The report from the said Court has also been received. He further submits that in view of the compromise pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. He further submits that all the terms & conditions with regard to the payment to the respondent No.2 has been materialised. He prays that impugned FIR and the consequential proceedings emanating therefrom quashed.

Learned counsel for the State, on instructions from ASI Hardip Singh of Police Station Women Cell, Jalandhar states that he has no objection if the impugned FIR and the consequential proceedings are quashed on the basis of the report received from learned Chief Judicial Magistrate, Jalandhar.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record .

The present litigation has arisen out of matrimonial dispute. In compliance of the order dated 25.05.2015 passed by this Court, the affected parties had appeared before the Court below and got recorded their statements with regard to the compromise. The report from the said Court has also been received. The operative part of the said report has been

reproduced hereinabove. Learned counsel for the State has also no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise.

In view of the totality of facts and circumstances of the case and taking into consideration the ratio of the judgment delivered by Hon'ble Supreme Court in the matter of **Gian Singh vs. State of Punjab & Anr. 2012(4) RCR (Criminal) 543** and a judgment of a larger Bench of this Court titled **Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Crl.) 1052**, FIR No.19 dated 15.02.2014, for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Women Cell, Jalandhar, and all consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

14.08.2015

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