

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

CRM-M-17556-2015

Date of Decision: December 01, 2015

RAVI VERMA AND ORS.

....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Onkar Rai, Advocate,
for the petitioners.

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

Mr. Mohinder Kumar, Advocate
for respondent No.2.

NARESH KUMAR SANGHI, J

Prayer in this petition, filed under Section 482 Cr.P.C., is for quashing of FIR No. 13, dated 13.06.2014 (Annexure P1), for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Women Cell, Ludhiana, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise/Panchayati Divorce Deed dated 07.05.2015 (Annexure P-2).

Vide order dated 28.09.2015, the affected parties were directed to appear before learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send the copies of the statements along with its detailed report to this Court.

In compliance of the above, Ramandeep-Informant/complainant/respondent No.2 as well as Ravi Verma-petitioner No.1 did appear before the Court below and got their respective statements recorded with regard to compromise.

Ramandeep-Informant/complainant/respondent No.2 suffered the following statement:-

“That the FIR was registered on the basis of my statement. Now, I have compromised the matter with the accused Ravi Verma and his family members with my own free will and consent and without any fear or pressure. That divorce petition is pending in the Court of learned Session Judge, Ludhiana for second statement on 13.11.2015. In that statement, I had to receive a draft of Rs.1,50,000/- from accused Ravi Verma and I had to return a cheque bearing No.009124 dated 13.11.2015 for Rs.1,50,000/- drawn on Syndicate bank regarding balance payment. Today, I have received that draft of Rs.1,50,000/- from Ravi Verma and returned the above said cheque to him. In this way, I have received all my past, present and future maintenance and alimony etc. from Ravi Verma and now nothing is due towards accused Ravi Verma and his family members involved in FIR. I am bound to give second statement in divorce petition pending for 13.11.2015 in the Court of Ld. Session Judge, Ludhiana. I have no objection, if the above- mentioned FIR against the accused be quashed”.

Similar statement was suffered by petitioner No.1-Ravi Verma before the Court below.

The operative part of the report received from the learned Court below is as under:-

“After going through the statements of the parties, this Court is satisfied that complainant/aggrieved person namely Ramandeep kaur has effected the compromise with accused Ravi Verma and members of his family with her own will and without any coercion or pressure from any corner”.

Learned counsel for the State, on instructions from ASI Raghbir Singh of Police Station, Jagraon, District Ludhiana and after going through the copies of the statements and report of the Sub Divisional Judicial Magistrate, Jagroan submits that he has no objection if the impugned FIR and all subsequent proceedings arising therefrom, are quashed on the basis of compromise.

Learned counsel for the petitioners submits that the present criminal litigation has emanated on account of matrimonial dispute between respondent No.2 and the petitioners. Due to intervention of the respectable and elderly people of the society, they have resolved their dispute and effected a compromise (Annexure P-2). He further submits that as a sequel thereto a petition under Section 13B of Hindu Marriage Act, 1955 (In short the Act of 1955) was presented

before the learned District Court, Ludhiana and the first motion has already been issued in that petition. The case has been adjourned for the second motion. He further submits that all the terms and conditions of the compromise have been materialized and as such, pendency of the impugned FIR and consequential proceedings emanated therefrom, would be a sheer abuse of process of law. In support of his contention, learned counsel has placed reliance on a judgment passed by Hon'ble the Supreme Court in the matter of **"B.S. Joshi Vs. State of Haryana, 2003(2) R.C.R. (Criminal) 888.**

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the present criminal litigation has arisen out of a matrimonial dispute. Due to intervention of the respectable and elderly people of the society, better sense has prevailed and the private factions have resolved their dispute and effected a compromise (Annexure P-2) and all the terms and conditions of the compromise have been materialized. A petition under Section 13B of the Act of 1955 has also been filed by the private parties for grant of divorce by mutual consent.

In view of the totality of the facts and circumstances of the case and statement suffered by the aggrieved person before the Court below, pendency of the impugned FIR and all the consequential proceedings would be a sheer abuse of the process of law and as such, the present petition is accepted.

FIR No. 13, dated 13.06.2014 (Annexure P1), for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Women Cell, Ludhiana, District Ludhiana and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 01, 2015
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