

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17983-2015

Date of Decision: September 19, 2015

Kulwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: None for the petitioners.

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

None for respondent No. 2.

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)

Despite second call, no one has put in appearance for the petitioners as well as respondent No. 2. With the assistance of learned counsel for the State, the material available on record has been perused.

Prayer in this petition filed under Section 482, Cr.P.C., is for quashing of FIR No. 90 (Annexure P-1), dated 24.8.2012, for the offence punishable under Section 498-A, IPC, registered at Police

Station, City, Sardulgarh, District Mansa, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 12.11.2014 (Annexure P-2).

Vide order dated 28.5.2015, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its report.

In compliance thereof, all the four petitioners, namely, Kulwinder Singh, Pritam Kaur, Santokh Singh and Reshma; respondent No. 2/informant, Sunder Singh, and his daughter/aggrieved lady, Harjit Kaur (wife of petitioner No. 1- Kulwinder Singh), did appear before learned Judicial Magistrate First Class, Mansa, and got recorded their respective statements with regard to the compromise.

The report alongwith copies of the statements of the parties, has been received. Harjit Kaur suffered the following statement:-

“ Stated that with the intervention of respectable persons, I have compromised the matter with the accused Kulwinder Singh son of Sona Singh, Pritam Kaur wd/o Sona Singh, Santokh Singh s/o Sona Singh, all the residents of village Lohgarh, Tehsil and Police Station, Sardulgarh, District Mansa, and Rashma d/o Sona Singh, resident of village Lohgarh

at present w/o Satpal Singh s/o Harnaam Singh r/o Lalonda, Tehsil Tohana, District Fatehabad. I have been now residing with my husband Kulwinde Singh at village Lohgarh. I do not want to proceed and take any action against accused in the present case. Compromise has been effected by me with free consent without any pressure, undue influence, coercion or fear upon me. My grievance has been satisfied. I have no objection if the above said FIR is quashed.”

Similar statement was suffered by respondent No. 2/informant, Sunder Singh. The operative part of the report received from learned Judicial Magistrate First Class, Mansa, is as under:-

“Complainant Sunder Singh and Harjit Kaur have suffered the statements that matter between them and accused Kulwinder Singh, Santokh Singh, Pritam Kaur and Reshma has been compromised. They stated that now Harjit Kaur and her husband Kulwinder Singh are residing together at village Lohgarh. They suffered the statements that they did not want to proceed with the case and FIR against accused may be quashed. All accused acknowledged the statements of the complainant and Harjit Kaur. I had personally inquired from the persons present in the Court. The compromise between the parties appears to be voluntarily arrived at and without undue influence or fear.

It is further submitted that there are only four

accused Kulwinder Singh, Santokh Singh, Pritam Kaur and Reshma. No accused is proclaimed offender. Accordingly, the report is being submitted."

Learned counsel for the State on instructions from ASI Deep Singh of Police Station, Sardulgarh, District Mansa, submits that petitioner No. 1 has resolved his matrimonial dispute with his wife Harjit Kaur, and, as such, he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise (Annexure P-2).

In view the statement suffered by respondent No. 2/informant, Sunder Singh, his daughter, Harjit Kaur, and the report received from learned Judicial Magistrate First Class, Mansa, and the ratio of 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, present petition is accepted and FIR No. 90 (Annexure P-1), dated 24.8.2012, for the offence punishable under Section 498-A, IPC, registered at Police Station, City, Sardulgarh, District Mansa, and all the consequential proceedings arising therefrom are hereby quashed.

September 19, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE