

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No.18053 of 2015(O&M)

Date of decision: 21.09.2015

Sandeep Kumar Bindra & another

----Petitioner(s)

V/s

State of Punjab & 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. Namit Gautam, Advocate for the petitioners.

Mr. Sultan Singh Gill, Deputy Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of F.I.R No. 122 dated 1.9.2011 registered under section 498-A I.P.C at Police Station, City Kharar, District Mohali and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-1).

On 28.05.2015, this Court has passed the following order:-

“The present petition has been filed under Section 482 Cr.P.C praying for quashing of F.I.R No. 122 dated 1.9.2011 registered under section 498-A I.P.C at Police Station, City Kharar, District Mohali on the basis of compromise, which as per counsel has been effected into between the parties.

Counsel would submit that the dispute which was essentially matrimonial in nature has since been settled and a decision has been taken to part ways amicably. Counsel further

submits that even a petition under Section 13-B of Hindu Marriage Act seeking dissolution of marriage by mutual consent has already been filed.

Notice of motion, returnable for 21.9.2015.

Parties are directed to appear before the Trial Court/Duty Magistrate on the date already fixed i.e. 11.6.2015 for recording of their statements. A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date”

Pursuant to the aforesaid order dated 28.05.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Hoshiarpur and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Hoshiarpur has forwarded his report dated 07.08.2015 along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

In view of the compromise, respondent No.2-complainant, namely, Yogita, aged about 34 years, wife of Sandeep Kumar Bindra R/o# 2927, ward No.21, Near Imli Wala Mandir, Kharar, Tehsil Kharar, District S.A.S. Nagar, Mohali, has made the following Statement before the Magistrate :-

“I was married to Sandeep Kumar Bindra, accused in the present case on 1.2.2005 and we could not live together for the last more than 5 years and I lodged the present FIR against Sandeep Kumar Bindra and Vijay Kumari my mother in law who is also accused in the present case. Now the matter has been compromised with the intervention of respectable relations and the parties have mutually agreed to depart nicely and the misunderstanding between the parties have been removed and further the parties have filed a joint petition of divorce

u/s 13 B of the Hindu Marriage Act. I have entered into the compromise without any pressure and with my free will with the accused and I undertake to maintain the harmony of the society. The dispute was only of matrimonial nature and I do not want to proceed with the present case and I do not have any objection in case the present FIR is quashed. The permanent alimony has already been settled in a petition u/s 13 B of the Hindu Marriage Act. The present compromise is effected to maintain peace between the parties. No party shall take any action against each other in respect to the present case. The copy of the compromise is Mark C 1.

RO & AC
Sd- Yogita

Sd/-
(Ekta Uppal)
JMJC/Kharar
8.7.2015”

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

Accordingly, 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. 122 dated 1.9.2011 registered under section 498-A I.P.C at Police Station, City Kharar, District Mohali and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-1), are hereby quashed.

September 21, 2015
Anjal

(HARI PAL VERMA)
JUDGE