

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No.18296 of 2015

Date of decision: 21.09.2015

Gaurav Marwaha

----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. Amit Saini, Advocate for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

Mr. P.S. Jattan, Advocate for the complainant/respondent No.2.

HARI PAL VERMA, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No. 125 dated 25.04.2015 for offence punishable under section 498-A and 406 IPC, registered at Police Station, City Khanna, District Khanna (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 11.05.2015 (Annexure P-2).

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

“Notice of motion to the Advocate General, Punjab, as well as, respondent no.2, for 21.09.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to

be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.”

Pursuant to the aforesaid order dated 28.05.2015, the parties have appeared before learned Addli. Civil Judge (Sr. Division)-Cum-SDJM, Khanna and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Addli. Civil Judge (Sr. Division)-Cum-SDJM, Khanna, has forwarded his report dated 14.09.2015 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.

Mr. P.S. Jattana, Advocate has put in appearance on behalf of respondent No.2/complainant, namely, Nidhi and admit the factum of compromise entered between the parties.

In view of the compromise, respondent No.2-complainant, namely, Nidhi wife of Gaurav Marwaha daughter of Adarsh Kumar Jhanji, resident of Street No.3, Kartar Nagar, Khanna, Tehsil Khanna, Distt Ludhiana has made the following Statement before the Magistrate :-

“That I have compromised the matter with the accused namely Gaurav Marwaha son of Satish Marwaha r/o H. no. 329, near Daya Hospital Samrala with my free and voluntary consent and without any pressure or coercion from side of accused. No other criminal case is pending against me. The present FIR may please be quashed.

Sd/-

RO & AC
Sd- Nidhi

(TPS Randhawa/ SDJM/ 11.09.2015”

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 petitioner.

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. 125 dated 25.04.2015 for offence punishable under section 498-A and 406 IPC, registered at Police Station, City Khanna, District Khanna (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 11.05.2015 (Annexure P-2), are hereby quashed.

September 21, 2015
Anjal

(HARI PAL VERMA)
JUDGE