

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19183-2015

Date of Decision: September 30, 2015

Jaswinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vijay Rana, Advocate,
for the petitioner.

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

Ms. Shivali Jain, Advocate,
for respondent Nos. 2 and 3.

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)

Prayer in this petition filed under Section 482, Cr.P.C., is for quashing of FIR No. 41, dated 9.8.2011 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Women Cell, Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 20.8.2015, 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 detailed report in this regard along with copies of the statements of the parties to be recorded, to this Court on or before the adjourned date.

In compliance thereof, the petitioner, Jaswinder Singh; respondent No. 2, Manjit Singh; and respondent No. 3/wife, Paramjit Kaur, did appear before learned Judicial Magistrate First Class, Jalandhar, and got recorded their respective statements with regard to the compromise.

The report alongwith copies of the statements of the parties, has been received. Respondent No. 3/wife, Paramjit Kaur suffered the following statement:-

“ Stated that I have compromised the matter. I have already filed the divorce petition under Section 13B of the Hindu Marriage Act, which is fixed for today for second and final statement of the parties. Today the accused has paid ₹7,000/- in this Court and ₹2,50,000/- will be paid by the accused in the Court of Shri J.S. Sanghe, learned Additional District Judge, Jalandhar, where the parties will make statements today. In view of the compromise, I do not want to proceed with present FIR/case bearing No. 41, dated 09.08.2011, under Sections 406 and

498-A, IPC, registered at Police Station, Women Cell, Jalandhar. The compromise is without any pressure, threat or undue influence and in the result of my free Will. I have no objection if the above stated FIR is quashed by Hon'ble Punjab & Haryana High Court."

Respondent No. 2/informant, Manjit Singh, suffered the following statement:-

" Stated that I have heard the statement of my daughter Paramjit Kaur and same is correct. In view of the compromise, I do not want to proceed with present FIR/case bearing No. 41, dated 09.08.2011, under Section 406 and 498-A, IPC, registered at Police Station, Women Cell, Jalandhar. The compromise is without any pressure, threat or undue influence and in the result of my free Will. I have no objection if the above stated FIR is quashed by Hon'ble Punjab and Haryana High Court."

Similar statement admitting the compromise, was suffered by the petitioner, Jaswinder Singh. The operative part of the report received from learned Judicial Magistrate First Class, Mansa, is as under:-

"the statements of parties were recorded, whereby they have deposed that they have compromised the matter. Complainant has stated that she has no objection if the FIR in the present case along with its subsequent proceedings are quashed. Complainant has also placed on record copy of compromise. Parties have

been identified by their respective counsel. So, in view of compromise deed and statement suffered by the parties, the compromise effected between the parties appears to be genuine one and without any force and pressure. Report is submitted accordingly.”

Learned counsel for the State on instructions from HC Krishan Baldev of Police Station, Women Cell, Jalandhar, has also admitted the factum of the compromise and has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise (Annexure P-2).

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the impugned FIR and the consequential proceedings had arisen out of a matrimonial dispute. During pendency of the same, better sense has prevailed and both the private factions have resolved their dispute and effected a compromise. The affected parties did appear before learned Court below and got recorded their respective statements. The report from the learned Court below has also been received.

In view the statements suffered by the parties, report received from learned Judicial Magistrate First Class, Jalandhar, the admission on the part of learned counsel for the State, assisted by learned counsel for respondent Nos. 2 and 3 and taking into consideration 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. 41, dated 9.8.2011 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Women Cell, Jalandhar, and all the consequential proceedings arising therefrom are hereby quashed.

September 30, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE