

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

CRM-M-22853 of 2013

Date of Decision: January 30, 2015

Gurmukh Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

(2)

CRM-M-3033 of 2015

Date of Decision: January 30, 2015

Amandeep Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. S.S.Hira, Advocate,
for the petitioners in both the petitions.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No.1 in both the petitions.

Ms. Amandeep Kaur, Advocate for
Mr. J.B.S.Gill, Advocate for respondent No.2
in both the petitions.

NARESH KUMAR SANGHI, J (ORAL)

Prayer in the above captioned criminal miscellaneous
petitions are for quashing of FIR No. 15 dated 05.12.2012, for the

offences punishable under Sections 406 and 498-A IPC registered at Police Station NRI, Hoshiarpur and consequential proceedings arising therefrom on the basis of compromise (Annexure P-4).

CRM-M-22853 of 2013 has been filed by Gurmukh Singh (father-in-law) and Santosh Kaur (mother-in-law) of the respondent No.2-complainant Gurinder Kaur while CRM-M-3033 of 2015 has been filed by Amandeep Kaur (sister-in-law/nanad) of the respondent No.2-complainant.

Vide order dated 17.12.2014 passed in CRM-M No.22853 of 2013, this Court had directed the affected parties to appear before learned trial Court for getting their respective statements recorded. The said Court was also directed to submit its report in that regard.

In compliance of the above, respondent No.2-complainant Gurinder Kaur as well as petitioners Gurmukh Singh and Santosh Kaur did appear before the Court below and got recorded their respective statements with regard to the compromise. Santosh Kaur (petitioner in CRM-M-22853 of 2013) had represented all the four accused (father-in-law, mother-in-law, sister-in-law and husband) of the complainant. Gurinder Kaur suffered the following statement:

“On my application an FIR Bearing No.15 dated 05.12.2012 U/s 406, 498-A IPC was resisted in P.S. NRI Hoshiarpur against Santosh Kaur W/o Gurmukh Singh and Dalpreet Singh son of Gurmukh Singh, Amandeep Kaur D/o Gurmukh Singh and Gurmukh Singh son of Sadar Govind Singh R/o village Kakko Tehsil and District Hoshiarpur though has been

residing in foreign country.

Now I have entered into an written compromise dated 09.12.2014 and I have put my hand on that compromise after fully understanding the contents of the affidavit. And on behalf of all the accused, Santosh Kumar for herself and on behalf of other accused has put her hand on the compromise dated 09.12.2014. In term of that compromise Santosh Kaur who has been referred to as second party for herself and on behalf of other accused have agreed to pay a sum of Rs.20,00,000/- (twenty lacs) and I have accepted the same as full and final settlement for myself as well as for minor daughter future, past and present namely Ekta Singh as well as on account of my dowry articles except the golden ornament which are to be handed over to me by the police. I have received first installment of Rs.10,00,000/- by demand draft in the Hon'ble High Court. And Second installment of Rs.10,00,000/- have been received today in the Court by the demand draft dated 06.01.2015 bearing No.819256. So I have received the full amount of Rs.20,00,000/- as agreed. In view of this compromise, I have no objection in case the proceeding having been initiated as per the FIR NO.15 dated 05.12.2012 against all the accused are quashed. In term of this compromise both the sides have agreed not to commence any proceeding of any type in future. Nothing remains due for any maintenance of myself and my daughter Ekta Singh to be recovered from the second party finally from my former husband. My marriage with Dilpreet Singh son of Gurmukh Singh one of the accused in the FIR has been dissolved by the Court of Sh. Lachman Singh, Ld. Addl. District and Sessions Judge,

Hoshiarpur vide order/judgment dated 02.01.2015. No other criminal proceeding initiated by me is pending except a complaint under Domestic Violence Act of 2005 which I will withdraw on next date of hearing i.e. 23.01.2015.”

Santosh Kaur (petitioner No.2 in CRM-M-22853 of 2013) suffered the following statement:

“I have heard the statement of Gurinder Kaur. The same is correct. I have put my signature on the compromise dated 09.12.2014 after understanding fully the contents of the same. I have entered into this compromise with Gurinder Kaur for myself and on behalf of all other co-accused of the FIR No.15 dated 05.12.2012. I have paid a sum of Rs.20,00,000/- (twenty lacs) to Gurinder Kaur in two installments of Rs.10,00,000/- each one in the Hon'ble High Court and another installment of Rs.10,00,000/- today in this Court in term of the compromise referred to above. Now there remains no dispute between Gurinder Kaur and myself and all other co-accused. I have no objection in case the golden ornaments taken by I.O during investigation are released to Gurinder Kaur.”

The operative part of the report received from the Judicial Magistrate Ist Class, Hoshiarpur dated 09.01.2015 as under:

“.....Keeping in view the above referred statements, it appears that complainant and above named accused in this case have entered into a genuine compromise voluntarily without any pressure or coercion. None of the accused has been declared proclaimed offender in this case.....”

Sh. Sarabjit Singh Hira, Advocate for the petitioners in both the petitions, submits that present criminal litigation has arisen out of a matrimonial dispute; during the pendency of the investigation the better sense has prevailed and the respondent No.2-complainant Gurinder Kaur has resolved her all disputes with not only the petitioners in both the petitions but also with her husband Dilpreet Singh who has not been arrested in the present case; during the pendency of the proceedings, the terms and conditions of the compromise have been materialized and in consonance of the compromise Rs.20,00,000/- in cash have been paid to the respondent No.2 complainant. It has also been agreed by the petitioners that the respondent No.2 complainant may get all the gold ornaments recovered by the police from the petitioners; the respondent No.2 complainant and her husband Dilpreet Singh have been granted a decree of divorce by learned District Judge, Hoshiarpur; the pendency of the FIR and consequential proceedings arising therefrom would be sheer abuse of the process of law since chances of conviction and sentence of the petitioners are bleak. In support of his contentions the learned counsel for the petitioners has placed reliance on **B.S.Joshi and others Vs. State of Haryana and another 2003 (2) RCR Criminal 888** and **Shlok Bhardwaj Vs. Runika Bhardwaj and others 2015 (1) RCR (Criminal) 249.**

Learned counsel for the State on instructions from ASI Rakesh Kumar of Police Station NRI, Hoshiarpur very fairly concedes that respondent No.2-complainant Gurinder Kaur has sorted out the

matrimonial dispute with the petitioners and their co-accused and as such he has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise. He has also gone through the statement suffered by her before the Court below.

Learned counsel for the respondent No.2-complainant Gurinder Kaur has also toed the line of action of the learned counsel for the State. It has been stated that she has instructions to state at bar that Gurinder Kaur has no objection if the impugned FIR and consequential proceedings are quashed against qua all the accused. She further states that at bar that all the terms and conditions of the compromise effected between the parties have been materialized, she also admits that a decree of divorce has been granted by learned District Judge, Hoshiarpur.

After hearing 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; during the pendency of the proceedings, respondent No.2-complainant Gurinder Kaur has resolved all her disputes with the petitioners as well as with her husband Dilpreet Singh and has no objection if the impugned FIR and consequential proceedings are quashed. The statement suffered by her before the learned Court below has been reproduced herein above. The report received from learned Court below and also reveals that the compromise so effected between the private faction was voluntary one. In **B.S.Joshi's case** (supra) Hon'ble the Supreme Court held that though the offences punishable under Sections 406, 498-A IPC are non-

compoundable yet on the basis of compromise the High Court while exercising the jurisdiction under Section 482 Cr.P.C can quash the proceedings.

In view of the above, FIR No.15 dated 05.12.2012, for the offences punishable under Sections 406 and 498-A IPC and consequential proceedings arising therefrom are hereby quashed against all the accused.

A photocopy of the judgment be placed on the paper book of the connected petition bearing No.3033 of 2015 titled Amandeep Kaur Vs. State of Punjab and another.

(NARESH KUMAR SANGHI)
JUDGE

January 30, 2015
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