

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

CRM-M- 20364 of 2015

Date of Decision: September 04, 2015

Kuljeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gurmeet Singh Guri, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

Mr. Satish Singla, Advocate,
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)

Prayer in this petition filed under Section 482, Cr.P.C., is for quashing of FIR No.59 (Annexure P-1) dated 02.05.2015 for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Kurali, District SAS Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 29.06.2015, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. It was further directed that the Court below shall ensure their identity as well as the fact that the statements were being suffered by them voluntarily and without any pressure. It was also directed to verify the number of the accused.

In compliance of the above, the sole accused/petitioner Kuljeet Singh as well as the informant-complainant, Surjit Kaur did appear before the Court below and got recorded their respective statements.

Surjit Kaur suffered the following statement:-

"Stated that the FIR No.59 dated 02.05.2015 U/s 498-A, 406 IPC, P.S. Kurali, Distt. SAS Nagar has been registered by me on my statement against my husband Kuljeet Singh s/o Gurcharan Singh R/o Village Kheribir Singh, the and distt. Fatehgarh Sahib. With the intervention of the respectables of the Society and our relatives I have compromised the matter with my husband Kuljeet Singh. Kuljeet singh had filed a quashing petition on the basis of compromise dated 29.05.2015 in the Hon'ble Punjab and Haryana High Court vide CRM-M-20364-2015. The above said compromise has been effected with the intervention of the respectable of our society and our relatives without any coercion, pressure, threat or promise. On account of compromise I do not want to continue with the proceedings of FIR got registered

against my husband. I have no objection in case the said FIR is quashed by Hon'ble High Court.

The operative part of the report received from learned trial Court is as under:-

“3. The afore mentioned FIR has been registered against the accused named above on the allegations that he had maltreated and tortured the informant on the pretext of bringing more dowry. But, now as per their statements recorded before the Court, the parties are shown to have compromised the matter with intervention of respectables and relatives. Similar statement has also been suffered by accused Kuljeet Singh before the Court (copy enclosed). Perusal of the FIR in question reveals that complainant has leveled allegations against accused present before the court along with other accused. Upon inquiry, allegations leveled against other accused were not proved. Accordingly, FIR has been registered only against accused Kuljeet Singh.

4. In the said back ground keeping in view the statements so suffered by the complainant party as well as accused party, it seems that the compromise so effected between the parties is genuine with an intent to bring entire litigation amongst them to an end for their better future prospects.”

Learned counsel for respondent No.2-informant/complainant very fairly concedes that Surjit Kaur has sorted out her dispute and effected a compromise with her husband Kuljeet Singh and she has no objection if the impugned

FIR and consequential proceedings are quashed on the basis of compromise (Annexure P-2). He fairly concedes that respondent No.2-Surjit Kaur as well as the petitioner had appeared before the Court below and suffered their respective statements with regard to the compromise. He also concedes that Surjit Kaur has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise.

Learned counsel for the State, on instructions from SI Dharampal Singh, Police Station Kurali, District SAS Nagar, has also toed the statement suffered by learned counsel for the informant-complainant and he too has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise.

After hearing the counsel for the parties and going through the material available on record, this Court is of the considered opinion that pendency of the impugned FIR and consequential proceedings from the matrimonial dispute would be sheer abuse of the process of law since the chances of conviction and sentence of the petitioner are bleak.

In the matter of **B.S. Joshi and others v. State of Haryana and another, 2003 (2) R.C.R. (Criminal) 888**, Hon'ble the Supreme Court had held that even if the offences relating to matrimonial dispute are non-compoundable while exercising jurisdiction under Section 482 Cr.P.C. the criminal proceedings

can be terminated on the basis of compromise.

As a sequel to the above discussion, FIR No.59 (Annexure P-1) dated 02.05.2015, for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Kurali, District SAS Nagar, and all the consequential proceedings emanating therefrom, are hereby quashed.

04.09.2015

anju rani

(NARESH KUMAR SANGHI)
JUDGE