

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

CRM-M- 20577 of 2015
Date of decision: 22.12.2015

Arjun Tayal and others

-----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 Dhawan, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

Mr. Kavish Midha, Advocate for
Mr. H.S. Lalli, Advocate for respondent No.2.

HARI PAL VERMA, J.

Prayer in this petition is for quashing of FIR No.28 dated 15.5.2015, under Sections 406, 498-A and 506 IPC and under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Women Cell, Jalandhar City and all other subsequent proceedings arising therefrom on the basis of compromise, in the shape of affidavit of Avneet Kaur dated 02.06.2015 (Annexure P-2).

This Court vide order dated 29.06.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise dated 02.06.2015 (Annexure P-2) and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 29.06.2015, the parties have appeared before learned Civil Judge(Jr.Divn.)-cum-Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 31.07.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent No.2, namely, Avneet Kaur, aged 30 years wife of Arjun Tayal, reads as under:-

“Stated that the FIR no.-28, dated 15.05.2015, u/s 406, 498A, 506 IPC read with Section 3 of SC and ST Act was registered at PS Women Cell, Jalandhar on my behalf against my husband Arjun Tayal, and my parents in-law namely Sanjiv Gupta(father-in-law) and Kavita Gupta (mother-in-law). Now, a compromise has taken place between me and Arjun Tayal, Sanjeev Gupta and Kavita Gupta. I have started living with my husband separately in house no.-94B, Bhai Banno Ji Nagar, Near Sai Mandir, Khurla Khingra, Jalandhar and we have resolved our differences. I have got no objection in case the above said FIR no.28 dated 15.05.2015, registered against my husband Arjun Tayal, and my parents in-law namely Sanjiv Gupta (father-in-law) and Kavita Gupta (mother-in-law) is quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh. I am making my statement voluntarily, without any pressure or coercion from any side and without any influence. I have brought the ration card as proof of my identity and copy of the same is annexure-A.

RO & AC

Sd/- Avneet Kaur

Sd/-

(Amardeep Singh), PCS
JMJC/Jalandhar/10.07.2015”

Apart from the statement of the complainant-respondent No.2, whereby she has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the petitioners submits that as on date, the parties are staying together as husband and wife. Complainant-respondent No.2-Avneet Kaur wife of Arjun Tayal is present in Court today and learned counsel for the petitioners on identification by petitioner No.1-Arjun Tayal (husband of Avneet Kaur) identified the complainant-respondent No.2.

Learned counsel for the State has admitted the factum of compromise entered between the parties.

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)**, as 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.28 dated 15.5.2015, under Sections 406, 498-A and 506 IPC and under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Women Cell, Jalandhar City and all other subsequent proceedings arising therefrom are quashed, qua the petitioners, in view of compromise in the shape of affidavit of Avneet Kaur dated 02.06.2015 (Annexure P-2).

22.12.2015

Anjal

(HARI PAL VERMA)

JUDGE