

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

CRM-M-21553-2015

Date of Decision: September 28, 2015

Jitender Sharma and others

...Petitioners

Versus

U.T. of Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, Addl.P.P. for U.T.Chandigarh.

Ms. Anchal Thakur, Advocate
for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C.,
is for quashing of FIR No. 419, dated 25.10.2013, for the offences
punishable under Sections 406 and 498-A IPC, registered at
Police Station, Sector-11, Chandigarh and all the consequential
proceedings arising therefrom, on the basis of compromise.

Vide order dated 06.07.2015, the following order was
passed :-

“Notice of motion for 28.09.2015.

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.”

In compliance of the above, the affected parties were directed to appear before the learned Court below for getting their respective statements recorded with regard to the genuineness of compromise. Swati Sharma @ Priyanka-respondent No.2 suffered the following statement :-

“I have voluntarily compromised with the accused Jatinder Sharma and I have no objection if the FIR No. 419, dated 25.10.2013, u/s 406, 498-A IPC, P.S.11, Chandigarh be quashed against all the accused persons. As per the compromise already recorded I have received cheque No.156183 dated 2.9.2015 for

Rs.1,25,000/- drawn on SBI, Sector 14, Chandigarh in my favour, from the accused today in the court, the copy of compromise is Ex.PA which bears my signatures and same is correct. Rest of amount of Rs.2,75,000/- shall be paid at the time of second motion of the petition u/s 13-B of the H.M.Act pending in the court of Distt. Judge, Chandigarh. I am giving my statement without any pressure, coercion and undue influence.”

The report dated 03.09.2015 received from learned Judicial Magistrate First Class, Chandigarh, reveals that both the parties have arrived at compromise without any coercion, undue influence or pressure and the informant has no objection in case the FIR against the accused is quashed.

Learned counsel for the petitioners submits that the present litigation had arisen out of a matrimonial dispute. Due to intervention of respectable and elderly people of the society, compromise (Annexure P-2) has been effected and all the terms and conditions of the compromise have been materialized.

Learned proxy counsel for the State Mr.Parveen Chauhan, Advocate on behalf of Mr.G.S.Wasu, Addl. Public Prosecutor, has also submitted that present matrimonial dispute has been resolved on account of compromise (Annexure P-2)

and he has no objection if the impugned FIR and consequential proceedings arising therefrom, are quashed.

Ms. Anchal Thakur, counsel for informant/ respondent No.2-Swati Sharma @ Priyanka has also no objection if the impugned FIR and all consequential proceedings emanating therefrom, are quashed on the basis of compromise.

After hearing learned counsel for the parties, going through the copies of statements of the affected parties, the report received from the learned trial Court 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. 419, dated 25.10.2013, for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Sector-11, Chandigarh, and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

September 28, 2015
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