

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-22065 of 2014

.....

Date of decision:23.2.2015

Kuldeep Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. B.S. Batth, Advocate for the petitioners.

Mr. Amarinder Singh Klar, Assistant Advocate General, Punjab
for the respondent-State.

Mr. B.P.S. Virk, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.112 dated 17.8.2007 (Annexure-P.1) registered for the offences under Sections 406, 498-A, 420, 495, 120-B and 201 IPC at Police Station Ghaga, District Patiala and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The marriage of the complainant-Navgagandeep Kaur was solemnized with petitioner No.6-Hardeep Singh Ghuman on 12.10.2005. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the above said FIR has been registered on the statement of complainant against her husband and other family members. Now with the intervention of respectable persons of the village and relatives, the matrimonial dispute has been amicably settled between the

parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Samana, has sent report dated 20.10.2014 submitting that statements of complainant Navgagandeep Kaur and accused-petitioners Davinder Kaur, Subeg Singh, Lakhwinder Kaur, Raj Kaur and Kuldeep Singh with regard to the compromise of the matter in dispute have been recorded. However, accused-petitioner No.6 Hardeep Singh Ghuman has not appeared to get his statement recorded, therefore, no report of compromising the matter with him could be given. As regards accused Kulwinder Kaur, she was summoned under Section 319 Cr.P.C. as per order dated 11.2.2014 passed by the learned Sessions Judge, Patiala, but the said order has been set aside by the High Court. The learned Judicial Magistrate Ist Class has submitted that the compromise seems to be valid and genuine being effected between them with their free will, except petitioner No.6 Hardeep Singh Ghuman.

Learned counsel for the petitioners contended that the petition qua petitioner No.6 Hardeep Singh Ghuman may be dismissed as withdrawn. Ordered accordingly.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their matrimonial dispute, the State would

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have no objection to the quashing of the FIR, except petitioner No.6 Hardeep Singh Ghuman, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.112 dated 17.8.2007 (Annexure-P.1) registered for the offences under Sections 406, 498-A, 420, 495, 120-B and 201 IPC at Police Station Ghaga, District Patiala and all subsequent proceedings arising out of the same are hereby quashed, except petitioner No.6 Hardeep Singh Ghuman. The petition qua him is dismissed as withdrawn.

February 23, 2015.

(Inderjit Singh)
Judge

hsp