

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

247

CRM-M-23080 of 2015 (O&M)

Date of Decision : 15.12.2015

Vijayvir Bhatti and others

... Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present : Mr.J.S.Mehndiratta, Advocate
for the petitioners.

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

Mr.Mohinder Kumar, 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.57, dated 07.07.2014 for the offences
punishable under Sections 406 and 498-A, IPC registered at
Police Station Naya Gaon, SAS Nagar (Mohali) and all the
consequential proceedings arising, therefrom on the basis of
compromise, Annexure P-2.

Vide order dated 17.07.2015, the affected parties
were directed to appear before the learned Area Judicial
Magistrate for getting their respective statements recorded with
regard to compromise. The said Court was also directed to
verify the genuineness of the compromise and express its
opinion by way of a report to be sent to this Court.

In compliance of the above, the petitioners as well as Smt. Rano @ Rashmi, respondent No.2-complainant-informant did appear before the learned Area Judicial Magistrate and got recorded their respective statements.

Smt.Rano @ Rashmi has suffered the following statement.

“I have entered into compromise with the accused. The compromise has been executed with my own accord and free will and without any type of pressure from any quarter. As per compromise, I have received Rs.3.5 lakhs from the accused and also filed joint petition u/s 13B HM Act, the remaining amount of Rs.3.5 lakhs will be paid by the accused at the time of making second statement. I have no objection if the FIR No.57 dated 7.7.2014, u/s 406, 498A IPC PS Naya Gaon be quashed. The abovesaid FIR was registered on my statement.”

Petitioners suffered their joint statement and admitted the factum of compromise.

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

“With reference to the subject cited above, I have honour to submit that as per the directions contained in order dated 17.07.2015 passed by the Punjab & Haryana High Court, Chandigarh, in terms of subject cited Criminal Misc.-M-23080 of 2015 (O&M), the statement of accused Vijayvir Bhatti, Sudesh Bhatti and Lekh Raj Bhatti as well as complainant Rano alias Rashmi have been recorded. The said compromise as per order of even date has been found as voluntarily without any pressure being result of amicable settlement between the parties. As per the report made by the concerned Ahlmad, accused Vijayvir Bhatti was not declared proclaimed offender at any stage and no criminal case is pending against accused

Vijayvir Bhatti in this court. The copy of order along with copies of statements are enclosed to the said effect.”

Learned counsel for the petitioners submits that present criminal petition has arisen out of a matrimonial dispute. During the pendency of the case before the Court below, better sense has prevailed and private parties have resolved their dispute and effected a compromise.

In pursuance of the same, a petition under Section 13-B of the Hindu Marriage Act was presented before the Court of competent jurisdiction which was accepted, and a decree of divorce was passed on 19.11.2015.

He further submits that in view of the above facts and circumstances of the case, pendency of the present criminal litigation would be an abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

In support of his contention, learned counsel for the petitioners has placed reliance on 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.**

Learned State counsel as well as learned counsel representing respondent No.2-informant-aggrieved person are also *ad idem* that in view of the compromise so effected between

the parties, pendency of the present criminal litigation would be a sheer abuse of the process of law.

After hearing learned counsel for the parties and the fact that a decree of divorce by mutual consent has already been granted, therefore, pendency of the present criminal litigation would be a sheer abuse of the process of law. Resultantly, the present petition is allowed and FIR No.57, dated 07.07.2014, for the offences punishable under Sections 406 and 498-A, IPC registered at Police Station, Naya Gaon, SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, are hereby quashed.

[Naresh Kumar Sanghi]
Judge

15.12.2015
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