

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24605-2015

Date of Decision: September 19, 2015

Hardeep Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Anamika Mehra, Advocate,
for the petitioners.

Mr. Arun Luthra, AAG, Haryana,
for respondent No. 1.

Mr. Amit Parashar, 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)

The present petition under Section 482, Cr.P.C., has been filed by Hardeep Singh, Surinder Kaur, Manjeet Kaur and Shiv Charan, for quashing of FIR No. 208 (Annexure P-1), dated 11.11.2014, for the offences punishable under Sections 323, 406 and 498-A, IPC, registered at Police Station, Sector 14, Panchkula, and all the consequential proceedings arising therefrom, on the

basis of compromise, dated 29.4.2015 (Annexure P-2).

Vide order dated 29.7.2015, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its report after verifying the genuineness of the compromise vis-a-vis number of accused persons involved in the present case and further as to whether any one of the accused has been declared as a proclaimed offender.

In compliance thereof, all the four petitioners as well as respondent No. 2/informant, Anju, did appear before learned Judicial Magistrate First Class, Panchkula, and got recorded their respective statements with regard to the compromise.

The report alongwith copies of the statements of the parties, has been received. Respondent No. 2/informant, Anju, suffered the following statement:-

“ I, Anju, have compromise(d) with my husband and I am peacefully cohabiting with my husband at my matrimonial house alongwith my son and husband. I have already withdrawn the complaint u/s D.V. Act [Protection of Women from Domestic Violence Act, 2005] and (Section?) 125 of Cr.P.C. against my husband. I have resolved all the issues with my husband, mother-in-law, sister-in-law, and brother-in-law. The dispute between me in (and) my in-laws have been amicably settled between us.”

The operative part of the report received from learned Judicial Magistrate First Class, Panchkula, is as under:-

“The complainant Anju Rani has appeared before the court and made a statement before the undersigned that a compromise has been effected with the accused persons. The accused persons namely Hardeep Singh, Shiv Charan, Manjit Kaur and Surinder Kaur also made separate statements to this effect. The separate statements of both the parties was duly recorded. The parties have assured the undersigned that they are satisfied with the compromise and there is no pressure or coercion upon them from any corner whatsoever. The complainant as well as accused persons have been duly identified by their respective counsels. The compromise is genuine, authentic and inviolable in form in undersigned opinion.”

Learned counsel for respondent No. 2/informant submits that in terms of the compromise (Annexure P-2), respondent No. 2/informant-wife is happily residing with petitioner No. 1/husband, Hardeep Singh. He further submits that respondent No. 2, Anju, has no objection if the impugned FIR and consequential proceedings emanating therefrom are quashed on the basis of the compromise (Annexure P-2).

Learned counsel for the State on instructions from SI Amarjeet Singh of Police Station, Sector 14, Panchkula, has also admitted the factum of compromise of the matrimonial dispute and

has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise (Annexure P-2).

After hearing learned counsel for the parties and going through the statement suffered by respondent No. 2/informant-wife, the report received from 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. 208 (Annexure P-1), dated 11.11.2014, for the offences punishable under Sections 323, 406 and 498-A, IPC, registered at Police Station, Sector 14, Panchkula, and all the consequential proceedings arising therefrom are hereby quashed.

September 19, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE