

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

CRM-M-25694-2014 (O&M)

Date of Decision: January 06, 2015

Ramit Kumar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Chandan Deep Singh, Advocate
for the petitioners.

Mr.Mikhail Kad, AAG, Punjab.

Mr.Sahil Abhi, Advocate
for respondent No.2.

.....

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for quashing of FIR No.49,
dated 28.05.2014, under Sections 406 and 498-A, IPC, registered
at Police Station, Division No.7, Jodhewal Basti, Women Cell,
Ludhiana, and all the consequential proceedings arising
therefrom, on the basis of compromise (Annexure P-2).

Vide order, dated 31.07.2014, the affected parties
were directed to appear before the learned Chief Judicial
Magistrate, Ludhiana, for getting their respective statements

recorded with regard to compromise. The said Court was also directed to send its report along with copies of the statements to this Court. The copies of the statements as well as the report have been received.

Learned counsel for respondent No.2 -complainant submits that on account of incompatible behaviour, respondent No.2-complainant could not adjust herself with the petitioners and after registration of the present case, both the private parties have resolved their all disputes and started living peacefully. He further contends that respondent No.2-complainant did appear before the Court below and got her statement recorded with regard to compromise. It has also been submitted by him that respondent No.2-complainant has no objection if the impugned FIR and consequential proceedings arising therefrom are quashed on the basis of compromise.

Learned counsel for the State, on instructions from HC Gurcharan Singh of Police Station, Women Cell, Ludhiana, also fairly concedes the execution of the compromise between respondent No.2 and the petitioners. He too admits that in view of the fact that the present litigation has arisen out of the matrimonial dispute, he has no objection if the impugned FIR and

the proceedings emanating therefrom are quashed.

Respondent No.2-complainant (wife) Nidhi suffered the following statement before the learned Court below:-

“Stated that I had got registered the above said FIR against accused Ramit Kumar and Raksha Rani who were accused in the said case and there is no other accused in the above said case than those whose name are mentioned above. Now with the intervention of relatives and respectables compromise has been effected in between the parties and the dispute has been resolved amicably and I know that accused persons have filed CRM No.M-25694 of 2014 u/s 482 Cr.P.C. for quashing of the FIR along with subsequent proceedings thereto which is now pending before the Hon'ble High Court and is fixed for 29.09.2014 for report regarding genuineness of the compromise. I endorsed that the compromise having been effected in between me and the accused persons is correct, genuine and without any pressure, inducement, threat or promise or free from any other illegal motive and has been arrived at with my free consent. I do not have any objection in case the Hon'ble High Court, Chandigarh, pleases to allow the petition u/s 482, Cr.P.C. filed by the petitioners Ramit Kumar and Raksha Rani on the basis of compromise having

been effected between me and petitioners.”

Petitioners had also suffered the similar statement.

The operative part of the report received from learned Chief Judicial Magistrate, Ludhiana, is as under:-

“In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise with their free consent and voluntarily. The requisite report is accordingly submitted please, for onward transmission to the Hon'ble High Court. Photocopies of statements of parties so recorded are enclosed herewith for kind perusal.”

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of judgment delivered by Hon'ble the Supreme Court in the matter of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888, the present petition is allowed. FIR No.49, dated 28.05.2014, under Sections 406 and 498-A, IPC, registered at Police Station, Division No.7, Jodhewal Basti, Women Cell, Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

January 06, 2015
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(NARESH KUMAR SANGHI)
JUDGE