

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

Criminal Misc.No.M-30335 of 2015

Date of Decision: November 16, 2015

Satinder Singh & Ors.

...Petitioners

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Vaibhav Narang, Advocate,
for the petitioners.

Mr.R.S.Randhawa, Addl.AG, Punjab.

Mr.Rahul Bhargava, Advocate,
for the informant/respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for quashing of FIR No.54 dated 26.06.2015, for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Women, Amritsar City, and the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 08.09.2015, the affected parties were directed to appear before learned Chief Judicial Magistrate, Amritsar, for getting their respective statements with regard to compromise. The said Court was also directed to send the copies of the statements of the parties along with

detailed report.

In compliance of the above, the affected parties appeared before the Court below and got recorded their respective statements with regard to compromise.

Respondent No.2/informant, Ravneet Kaur, suffered the following statement:-

"I am the complainant in the case FIR No.54 dated 26.06.2015 under Sections 406 and 498-A, IPC, Police Station, Women, Amritsar City, which I had got registered the aforementioned FIR against the accused Satinder Singh husband, Baldev Singh and Gurinder Kaur parents-in-law. After the registration of the case in hand, I have settled a compromise with the accused persons and accordingly, myself and my husband Satinder Singh have filed a joint petition under Section 13-B of the Hindu Marriage Act which is at present pending in the Court of Mr.Gurbir Singh, learned District Judge, Amritsar. We have entered into a compromise voluntarily and without any kind of pressure, subject to the condition that my husband Satinder Singh shall pay me the remaining agreed amount of Rs.Eight lacs only. I have no objection if the above referred FIR registered by me may kindly be

quashed subject to the condition of making payment of remaining balance agreed amount of Rs.Eight lacs only to me.”

Similar joint statement was suffered by the petitioners admitting the factum of compromise.

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

“From the statements of the parties it transpires that parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same seems to be genuine subject to condition asserted by the complainant. Hence, the requisite report.”

Learned counsel for the parties are *ad idem* that the parties to the *lis* have sorted out their matrimonial dispute and effected a compromise (Annexure P-1). They are *unison* that the informant/complainant/respondent No.2 did appear before the Court below and suffered the statement mentioned hereinabove. Learned counsel for respondent No.2 submits that he has no objection if the impugned FIR and the consequential proceedings are quashed on the basis of compromise. However, he submits that while entering into compromise (Annexure P-1) it was agreed that a sum of ₹18,00,000/- (Rupees

eighteen lacs only) would be paid to the informant/ respondent No.2 by the petitioners. A sum of ₹10,00,000/- (Rupees ten lacs only) has been paid while ₹8,00,000/- (Rupees eight lacs only) are to be paid at the time of recording of the statement of petitioner No.1 and that of respondent No.2 before learned District Judge, Amritsar, in a petition under Section 13B of the Hindu Marriage Act, 1955. He further submits that it may be mentioned in the present order that if the petitioners fail to pay the said amount as per the compromise (Annexure P-1), then the informant/complainant shall be at liberty to move an application for recalling the present order. In support of his contention, he has placed reliance on the law laid by Hon'ble the Supreme Court in the case of **B.S.Joshi and others vs. State of Haryana and another**, 2003(2) RCR(Criminal) 888.

Learned counsel for the State as well as learned counsel for the petitioner has no objection to the above prayer put forth by learned counsel for respondent No.2.

After hearing learned counsel for the parties, this Court is of the considered view that the pendency of the FIR and continuation of the trial would be a sheer abuse of the process of law since the parties have entered into compromise. It has also been disclosed by learned counsel for the parties that a petition under Section 13B of the Hindu Marriage Act, 1955 has been

presented before learned District Judge, Amritsar, in which first motion has also been issued and the said case is fixed for 11.03.2016 for second motion. A sum of ₹10,00,000/- (Rupees ten lacs only) has already been paid by the petitioners to the informant/respondent No.2.

As a sequel to the above and taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **B.S.Joshi's** case (supra), the present petition is allowed and FIR No.54 dated 26.06.2015, for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Women, Amritsar City, and all the consequential proceedings arising therefrom are hereby quashed.

It is made clear that in the event the petitioners fail to pay the remaining amount to the informant/ complainant at the time of second motion in the divorce petition fixed before learned District Judge, Amritsar, the informant shall be at liberty to move an application for recalling the present order.

November 16, 2015
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(Naresh Kumar Sanghi)
Judge