

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32700-2015

Date of Decision: December 19, 2015

Parmod Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. G.S. Jagpal, Advocate,
for Mr. R.S. Bajaj, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Dr. (Ms) Amanpreet Sandhu, Advocate,
for respondent No. 2/informant.

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 Parmod Kumar son of Gian Chand, resident of House No. 3863, Near Doctor Kapoor Chowk, Kharar, District SAS Nagar, for quashing of FIR No. 18, dated 15.2.2012 (Annexure P-1), for the offence punishable under Section 498-A, IPC, registered at Police Station, City, Kharar, District SAS Nagar, and

all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 24.9.2015, 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 a report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Sub-Divisional Judicial Magistrate, Kharar, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Sunita Rani, suffered the following statement:-

“ Stated that I have heard the statement of accused Parmod Kumar suffered in the court today. It is correct that during proceedings of the appeal in divorce case filed by him, the Hon'ble Punjab and Haryana High Court referred the matter to its mediation and conciliation centre wherein vide settlement/agreement deed dated 17.07.2015 the matter in dispute has been compromised. I have come present today to suffer the present statement in accordance with the directions issued by Hon'ble Punjab and Haryana High Court in CRM-M No. 32700 of 2015. The copy of the above said

settlement deed dated 17.07.2015 is Ex. CX on which I identify my signatures, the same is genuine and correct. Exhibit CX was entered into without any coercion, pressure or undue influence. I have no objection, if the present FIR is quashed by the Hon'ble Punjab and Haryana High Court in spirit of the compromise Ex. CX."

The petitioner also suffered the statement admitting the factum of the compromise.

The operative part of the report received from learned Sub-Divisional Judicial Magistrate, Kharar, is as under:-

" The undersigned has carefully gone through the statements got recorded by the complainant and the accused. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise voluntarily, without any pressure, coercion or undue influence from any quarter. Hence this report. Photocopies of the statement is enclosed herewith for kind perusal."

Learned counsel for the petitioner submits that the present criminal litigation has arisen out of a matrimonial dispute between the petitioner, Parmod Kumar, and respondent No. 2, Sunita Rani. Due to intervention of the respectable and elderly people of the society, they have resolved their all

disputes and effected a compromise. As a sequel to the compromise, the husband and wife have decided to part with their company. He further submits that a decree of divorce has already been granted by the Court of competent jurisdiction. He further submits that all the terms and conditions of the compromise have been materialized and at present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contentions, learned counsel 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 counsel for the State on instructions from ASI Ashok Kumar of Police Station, City, Kharar, and after going through the statements and the report received from learned Court below, very fairly admits that the present criminal litigation has arisen out of a matrimonial dispute and the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR

and all the consequential proceedings are quashed on the basis of the compromise.

Learned counsel for respondent No. 2/informant also admits the factum of the compromise. She further submits that respondent No. 2, Sunita Rani, did appear before learned Court below and suffered the statement with regard to the compromise. She further submits that respondent No. 2 has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the impugned FIR and the consequential proceedings had arisen out of a matrimonial dispute. During pendency of the same, better sense has prevailed and both the private factions have resolved their dispute and effected a compromise. A decree of divorce has already been passed by the Court of competent jurisdiction.

The affected parties did appear before learned Court below and got recorded their respective statements. The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant has genuinely effected a compromise with the

petitioner and she has no objection if the impugned FIR and consequential proceedings are quashed.

This Court also finds substance in the submission of learned counsel for the petitioner that pendency of the present criminal litigation would be 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 view of the statements suffered by the parties, report received from learned Court below, the admission on the part of learned counsel for the respondents, and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi (supra)**, present petition is accepted and FIR No. 18, dated 15.2.2012 (Annexure P-1), for the offence punishable under Section 498-A, IPC, registered at Police Station, City, Kharar, District SAS Nagar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 19, 2015
Pkapoor