

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-3465 of 2015

Date of Decision: 28.4.2015

Gurdev Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Vinod Kumar, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Gurdev Singh under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 49 dated 21.2.2013, registered under Sections 420 & 494 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Chheharta, District Amritsar and all the subsequent proceedings on the basis of the compromise (Annexure P2).

2. Vide order dated 2.2.2015, this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, learned Judicial

Magistrate 1st Class, Amritsar has sent his report through the learned District & Sessions Judge, Amritsar along with the copies of the statements of the parties. The operative part of the report of the learned Magistrate is reproduced as under:

“Statement of the complainant has been recorded and she stated that she has got registered FIR No. 49/13, PS Chheharta, Amritsar, U/s 420/494 IPC against the accused person. Similarly, the statement of the petitioner/accused person namely Gurdev Singh has been recorded that he has compromised the matter with the complainant. Now with the intervention of respectables of society that she has compromised with the accused person and she has no objection if the FIR be quashed. Statements of the complainant were agreed by other respondent. Statements of both the parties are counter-signed by their counsels.

I have verified the genuineness of the compromise effected between both the parties. I am of the opinion that the said compromise has been effected between both the parties without any threat, pressure or coercion.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in **Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543** and **Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)** and

also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052.***

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioner has been indicted as accused for the offences punishable under Sections 420 & 494 IPC on the allegations that on 6.12.1998, the marriage of complainant Manjit Kaur was solemnized with petitioner-Gurdev Singh. From their wedlock, two children were born. It is further stated that the petitioner has solemnized marriage with a girl named Neelam in connivance with his parents. Thereafter, the said girl was sent abroad. When the complainant objected to this, she was given beatings by the petitioner. Thereafter, the complainant came to know that her husband (petitioner) is also making preparations to go abroad and can leave the country at any time. So, she requested that legal action may be taken against her husband.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner is bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 49 dated 21.2.2013, registered under Sections 420 & 494 IPC at Police Station Chherretta, District Amritsar and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

April 28, 2015
"DK"