

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

CRM-M-3585-2015(O&M)

Date of Decision: September 14, 2015

Vikram Kumar @ Sonu and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.V.K.Kaushal, Advocate for
Mr.Naveen Batra, Advocate
for the petitioners.

Mr.P.S.Paul, DAG, Punjab.

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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)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No.3, dated 02.01.2012, for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, C-Division, District Amritsar, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 21.04.2015, the affected parties were

directed to appear before learned trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its report before this Court on or before the date fixed.

In compliance of the above, respondent No.2-informant-Kamini as well as the petitioners did appear before the Court below and got recorded their respective statements with regard to the compromise.

Respondent No.2-informant-Kamini suffered the following statement:-

“That my marriage was solemnised with Vikram Kumar @ Sonu on 27.09.2009 and out of the said wedlock two children, namely, Arman aged 5 years and Vansh aged 3 years were born. I have got registered an FIR bearing No.3, dated 02.01.2012, u/S 406/498 A, IPC, PS, C Div. Amritsar, against my husband Vikram Kumar @ Sonu, my father-in-law Surinder Kumar, mother-in-law Sita Devi, R/o 205, Mohalla Raian, Khanpuri Gate, P.S.City, Distt.Hoshiarpur, and my sister-in-law Seema Devi and her husband Rakesh Kumar r/o 1272-LT. 2 Sector 3, Talwara, P.S.Talwara, Distt.Hoshiarpur and during the pendency of the proceedings a compromise has been arrived between me and my in-laws with intervention of the respectables of both sides and at present I am living with my husband Vikram Kumar and his parents

for the last seven months. My husband Vikram and others and myself has filed petition before the Hon'ble Punjab and Haryana High Court, Chandigarh, for quashment of the FIR No.3, dated 02.01.2012, u/s 406/498 A, IPC, registered at PS C Div. Amritsar and pending in the Court of Ms.Navreet Kaur, JMIC, Amritsar, and fixed for 28.05.2015. I have no objection if the above said FIR be quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh. I am giving this statement with my own sweet will and without any undue influence.”

The operative part of the report received from learned trial Court is as under:-

“I have honour to submit that vide order dated 21.04.2015 passed by Hon'ble High Court Criminal Misc.No.3585/15 had directed the trial Court for recording the statement of all the affected parties. In compliance of the above said order statements of Kamini w/o Vikram Kumar 2. Vikram s/o Surinder Kumar 3. Surinder Kumar s/o Tarsem Kumar 4.Sita Devi w/o Surinder Kumar 5. Rakesh Kumar s/o Sohan Lal 6. Seema Devi w/o Rakesh Kumar, Aman Arora s/o Gurcharan Dass and Alka Arora w/o Aman Arora have been recorded and the said statements have been recorded by them voluntarily and without any pressure from any quarter. Photocopy of the recorded statements are enclosed herewith.”

Learned counsel for the petitioners submits that better

sense has prevailed and both the private factions have resolved their dispute and effected a compromise, (Annexure P2). He further submits that in consonance of compromise, respondent No.2-informant has started living with her husband at Hoshiarpur. He also submits that in view of the ratio of the 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, criminal proceedings arising out of a matrimonial dispute can be quashed on the basis of compromise.

Learned counsel for the State, on instructions from ASI Rattanjit Singh, Police Station, Division 'C', Amritsar, very fairly concedes that the present criminal litigation has arisen out of a matrimonial dispute and both the private factions have resolved their dispute and effected a compromise and, as such, he has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed on the basis of compromise qua the petitioners.

After hearing the learned counsel for the parties, going through the copy of the statement of respondent No.2-informant-Kamini, and the report received from learned trial Court, the present petition is allowed. FIR No.3, dated 02.01.2012, for the offences punishable under Sections 406 and 498-A, IPC,

registered at Police Station, C-Division, District Amritsar, and all the consequential proceedings arising therefrom are quashed qua the petitioners.

September 14, 2015
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(NARESH KUMAR SANGHI)
JUDGE