

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36248-2014 (O&M)

Date of Decision: January 23, 2015

Harkamaljeet Singh Bhullar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Yash Pal Gupta, Advocate,
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab,
for respondent No. 1.

None for respondent No. 2.

NARESH KUMAR SANGHI, J. (Oral)

1. The present petition under Section 482, Cr.P.C., has been filed by petitioners, namely, Harkamaljeet Singh Bhullar, Amarjeet Kaur and Balwinder Singh, all residents of CB-209/18, New Chahal Nagar, Near Bhai Ghaniya Ji Gurudwara, Phagwara City, Kapurthala, for quashing of FIR No. 58, dated 13.9.2012, under Section 377 read with Section 511; and 406 & 498-A read with Section 34, IPC, registered at Police Station, Women Cell, Jalandhar City, and all the consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

2. Vide order dated 27.10.2014, 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 detailed report in that regard alongwith copies of the statements to this Court on or before the adjourned date.

3. In compliance thereof, complainant/respondent No. 2, Navjot Kaur, as well as all the three petitioners did appear before learned Judicial Magistrate Ist Class, Jalandhar, and suffered their statements admitting the factum of the compromise. Complainant/respondent No. 2, Navjot Kaur, suffered the following statement:-

“ Stated that I have compromised the matter with all the accused persons. I have already taken divorce by way of mutual consent on 26.11.2014 in the court of Sh. Arunvir Vashisht Ld. ADJ, Jalandhar. The compromise deed is already attached with the application file for quashing the present FIR bearing no-58, dated 13.09.2012, u/ss 406, 498A, 34, 377, 511 of IPC registered at PS Women Cell, Jalandhar, filed before Hon'ble Punjab & Haryana High Court. The compromise is without any pressure, threat or undue influence and in the result of my free Will. I have no objection if the above stated FIR is quashed by Hon'ble Punjab & Haryana High Court.”

4. Similar statements, admitting the factum of the compromise, were suffered by the petitioners. The operative part of the report received from learned Judicial Magistrate Ist Class, Jalandhar, is as under:-

“Consequently, the statements of complainant as well as accused persons were recorded, whereby they have deposed that they have compromised the matter. Complainant has stated that she has no objection if the FIR in the present case along with its subsequent proceedings are quashed. So, the compromise effected between the parties appears to be genuine one and without any force and pressure.”

5. Learned counsel for the petitioners submits that the present criminal litigation has arisen out of a matrimonial dispute between petitioner No. 1 and respondent No. 2. 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 had sought a decree of divorce by mutual consent, which has been accepted by learned District Judge, Jalandhar, vide his order dated 26.11.2014. He further contends that all the terms and conditions of the compromise have been materialized.

6. Learned counsel for the State has gone through the

copies of the statements suffered by the private parties and the report received from learned Judicial Magistrate Ist Class, Jalandhar, and has also sought instructions from HC Baljit Singh of Police Station, Women Cell, Jalandhar. He has no objection with regard to quashing of the impugned FIR and the consequential proceedings emanating therefrom on the basis of the compromise.

7. I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

8. The present criminal litigation has arisen out of a matrimonial dispute. Both the private factions have resolved their disputes and effected a compromise. Complainant/respondent No. 2 has suffered her statement before the learned Court below, which has been reproduced hereinabove. The report received from the said Court also reveals that the compromise effected between the parties was genuine one. The husband and the wife have also sought divorce by way of mutual consent. All the terms and conditions of the compromise have been materialized and, as such, the pendency of the impugned FIR and the consequential proceedings arising therefrom, would be sheer abuse of the

process of law as the chances of ultimate conviction and sentence of the petitioners are bleak. In the matter of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888, Hon'ble the Supreme Court has also ruled that while exercising jurisdiction under Section 482, Cr.P.C., the FIR relating to matrimonial dispute can be quashed.

9. As a sequel to the above discussion, this petition is accepted and FIR No. 58, dated 13.9.2012, under Section 377 read with Section 511; and 406 & 498-A read with Section 34, IPC, registered at Police Station, Women Cell, Jalandhar City, and all the consequential proceedings arising therefrom are hereby quashed.

January 23, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE