

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

CRM-M-38767-2014(O&M)

Date of Decision: December 1, 2015

Avtar Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.L.S.Mann Advocate
for the petitioners.

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

Mr.K.S.Bal, Advocate
for respondent Nos.2 to 4.

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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.81, dated 18.06.2009, for the offences punishable under Sections 120-B, 420, 494 and 498-A, IPC, and Sections 4, 5 and 6 of the Child Marriage Restraint Act, 1929, registered at Police Station, Sirhind, District Fatehgarh Sahib, and

all the consequential proceedings arising therefrom, on the basis of compromise, Annexure P2.

Under the directions of this Court, the affected parties did appear before the Court below and got recorded their respective statements with regard to compromise.

Respondent No.2/informant-Sailender Singh suffered the following statement:-

“Stated that I have got registered FIR No.81 of 18.06.2009 under Sections 420/498/120-B/494 of the IPC and 4/5/6 of Child Marriage Restraint Act, 1929, at Police Station, Sirhind, against the accused persons. Now with the intervention of respectables, I have voluntarily compromised the matter with the accused persons as per compromise dated 12.05.2014, without any pressure or influence. The compromise is for the welfare of both the parties and will bring peace and harmony in the society. I have no objection if the FIR abovesaid, is quashed and the accused are acquitted.”

Respondent No.3-Daljit Kaur, the aggrieved wife, suffered the following statement:-

“Stated that the complainant Salinder Singh, who is my brother had got registered FIR No.81 of 18.06.2009 under Sections 420/498/120-B/494 of the IPC and 4/5/6 of Child Marriage Restraint Act, 1929

at Police Station, Sirhind, against the accused persons. Now with the intervention of respectables, I have voluntarily compromised the matter with the accused persons as per compromise dated 12.05.2014, without any pressure or influence. The compromise is for the welfare of both the parties and will bring peace and harmony in the society. I have no objection if the FIR abovesaid, is quashed and the accused, are acquitted.”

Amandeep Kaur, respondent No.4, the alleged second wife of petitioner-Avtar Singh suffered the following statement:-

“In this case I was also an aggrieved person as accused Avtar Singh had contacted marriage with me while his first marriage by Daljeet Kaur was still subsisting and in this way, I felt cheated at the hands of the accused persons. However with the intervention of common friends, relatives and respectable of the society. I have now voluntarily compromised the matter with the accused person. The compromise so arrived at is voluntarily act on my part without any sort of coercion or pressure from anyone. I have no objection, if the Hon'ble High Court quashed the proceedings of the present case.”

The reports dated 18.11.2015 and 03.01.2015 received

from learned Additional Chief Judicial Magistrate, Fatehgarh Sahib, would reveal that the compromise, so effected, between the parties is genuine one and the parties had suffered their statements voluntarily.

Learned counsel representing respondent Nos.2 to 4 has stated at Bar that he has the instructions to submit that respondent Nos.2 to 4 have resolved the matrimonial dispute with petitioner No.1-Avtar Singh and his co-accused and, as such, he has no objection if the impugned FIR and consequential proceedings emanating therefrom are quashed.

Learned counsel for the State, on instructions from ASI Prithvi Raj Singh, Police Station Sirhind, District Fatehgarh Sahib, also admits the factum of compromise effected between the parties and has no objection if the impugned FIR and consequential proceedings emanating from a matrimonial dispute are terminated on the basis of compromise, Annexure P2, and the statements suffered by the effected parties before the learned Court below.

Perusal of the material available on record would reveal that the present criminal litigation has arisen on the allegation that during the subsistence of the first marriage of

Avtar Singh with Daljit Kaur, he (petitioner No.1) solemnized the second marriage with Amandeep Kaur @ Roari, respondent No.4. Due to intervention of the respectable and elderly people of the society, both the private factions have resolved their dispute and effected a compromise, Annexure P2. The affected parties have appeared before the Court below and suffered their respective statements, which have been reproduced hereinabove. The report received from the learned Court below would also reveal that the compromise was effected and the statements suffered by the affected persons were genuine.

Hon'ble the Supreme Court in the matters of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888 and **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, held that despite the fact the offences are non-compoundable in nature, the High Court can terminate the criminal proceedings on the basis of compromise.

As a sequel to the above, the present petition is allowed. FIR No.81, dated 18.06.2009, for the offences punishable under Sections 120-B, 420, 494 and 498-A, IPC, and Sections 4, 5 and 6 of the Child Marriage Restraint Act, 1929, registered at Police Station, Sirhind, District Fatehgarh Sahib, and all the

consequential proceedings arising therefrom, are hereby
quashed.

December 1, 2015
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(NARESH KUMAR SANGHI)
JUDGE