

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

CRM-M- 39816 of 2014

Date of decision: 18.09.2015

Pankaj Verma and others

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. M.S. Sachdev, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer made in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 137 dated 08.10.2011(Annexure P-1) under Sections 406/498-A IPC, registered at Police Station Goraya, Distt Jalandhar and all other subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

This Court vide order dated 17.07.2015 has passed the following order:-

“Learned counsel for the petitioners seeks time to make statement before trial Court with regard to genuineness of compromise.

Adjourned to 11.09.2015.

Parties will be at liberty to appear before the trial Court/Illaq Magistrate on the date fixed or any other date convenient to trial Court and move application to get their

statements recorded with regard to genuineness of compromise. On doing so, the trial Court/Illaq Magistrate will record their statements with regard to the compromise on the date fixed or some other date to be fixed by it and submit report to this Court by the adjourned date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The trial Court/Illaq Magistrate shall also mention whether any of the accused is proclaimed offender or quashing sought is by all the accused.”

Pursuant to the aforesaid order dated 17.07.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Phillaur and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Phillaur, has forwarded his report dated 20.08.2015 along with the statements of the parties, to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Learned counsel for the petitioners submits that in view of the compromise, the parties have taken divorce and they are residing separately.

In view of the report received from the Court below, the statement of respondent No.2-complainant, namely, *Jyoti @ Jyoti Pun* wife of Sh. Pankaj Verma daughter of Nanak Chand, resident of c/o Gains Ram & Co. Bara Pind Road, Goraya, District Jalandhar, made before the learned Judicial Magistrate Ist Class on 01.08.2015, reads under:-

“State that FIR bearing no. 137 dated 08.10.2011, under section 406, 498-A of IPC at P.S. Goraya, District Jalandhar was got registered at my statement against Pankaj Verma, Mohan Lal, Nirmala Devi

Rohit Verma, Seema and Rajni. The compromise has been effected between me and all the accused. As per compromise statement was recorded in the Court of Ms. Kamal Varinder, PCS, the then JMIC, Phillaur on 30.08.2014. Certified copy of my statement dated 30.08.2014 is Ex. C-1. As per compromise I have received the entire amount of Rs.20,00,000/- i.e. 14,00,000/- for myself and Rs.6,00,000/- on behalf of my minor son Dhruv Verma. As per compromise nothing remains due towards the accused. This compromise was effected without any fraud or pressure and that has been effected with my free will. As per compromise a decree of divorce has already been granted on 1.7.2015 by the Court of Sh. Rupinder Singh, Additional Civil Judge, Senior Division Phagwara. I have got no objection if the present FIR may be quashed by the Hon'ble High Court of Punjab & Haryana. The present quashing petition was filed by all the accused and no accused is proclaimed offender in the present case. Today I have brought my original driving licence in the court copy of the same Ex.C-2. No other litigation is pending between me and the accused.

*RO & AC
Sd- Jyoti*

*Sd/-
(Himanshi Galhotra)
JMIC/Phillaur/1.8.2015'*

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State**

of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and others, (2012)10 SCC 303*, this petition is allowed and FIR No. 137 dated 08.10.2011(Annexure P-1) under Sections 406/498-A IPC, registered at Police Station Goraya, Distt Jalandhar and all other subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties, are hereby quashed.

September 18, 2015
Anjal

(HARI PAL VERMA)
JUDGE