

CRM-M-43588-2014 (O&M)

-1-

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

CRM-M-43588-2014 (O&M)

Date of Decision: October 09, 2015

Chander Mohan Sharma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 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?***

Present: Mr.Upender Prasher, Advocate
for the petitioner.

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

Mr.K.S.Rekhi, Advocate
for respondent No.2-informant.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition filed under Section 482, Cr.P.C.,
is for quashing of FIR No.9, dated 13.01.2012, for the offence
punishable under Section 498-A, IPC, registered at Police Station,
'A' Division, District Amritsar City, and all the consequential
proceedings arising therefrom, on the basis of compromise

(Annexure P2).

In compliance of the orders passed by this Court on 03.03.2015 and 18.05.2015, the affected parties did appear before the Court below and got recorded their respective statements with regard to compromise. The report from the said Court has also been received.

Respondent No.2-Poonam Sharma, the informant, suffered the following statement:-

“FIR No,09, dated 13.01.2012, under Section 498-A, IPC, was registered against accused Chander Mohan on my statement. Now I have compromised the matter with the aforementioned accused. The compromise has been effected voluntarily without any threat or coercion and with my free consent. I have no objection if the quashing petition filed by the accused before the Hon'ble High Court on the basis of compromise is accepted. As per my knowledge the accused was never declared as proclaimed offender at any time. My dowry articles are lying in the police custody which may be released to me.”

The operative part of the report received from learned Judicial Magistrate First Class, Amritsar, is as under:-

“On the basis of the statement suffered by the parties, it appears that the compromise is genuine, voluntary without any threat or coercion. There is no

written compromise on record. However, the petition under Section 13-B HMA has been placed on record by the accused. The case has been registered against only one accused namely Chander Mohan Sharma. The complainant and the accused are the only effected parties. The accused has not been convicted in any other case.”

Learned counsel for the parties are *ad idem* that the present criminal litigation has arisen out of a matrimonial dispute. Due to intervention of respectable and elderly people of the society, both the private factions have resolved their dispute and effected a compromise (Annexure P2). All the terms and conditions of the compromise have been materialized. The husband and the wife have been granted divorce by learned District Judge, Amritsar, on 27.05.2015.

Learned counsel for respondent No.2/informant has no objection if the impugned FIR and consequential proceedings are quashed on the basis of compromise.

Learned counsel for the State has also admitted that the parties have sorted out their dispute and effected a compromise, therefore, he has no objection if the impugned FIR and consequential proceedings are quashed.

After hearing the learned counsel for the parties and

going through the material available on record and also taking into consideration 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, this petition is allowed. FIR No.9, dated 13.01.2012, for the offence punishable under Section 498-A, IPC, registered at Police Station, 'A' Division, District Amritsar City, and all the consequential proceedings arising therefrom, are hereby quashed.

October 09, 2015
meenu

(NARESH KUMAR SANGHI)
JUDGE