

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4627-2015

Date of Decision: December 22, 2015

Sukhjinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Varun Sharma, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Mr. Ramesh Goyal, Advocate,
for respondent No. 2.

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)

The present petition under Section 482, Cr.P.C., has been filed by Sukhjinder Singh, Baldev Singh, Amarjit Kaur and Sukhjit Singh, for quashing of FIR No. 162, dated 2.8.2014 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Sohana, District S.A.S. Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 12.2.2015, the affected parties were

directed to appear before the learned Matrimonial Court, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also to intimate whether any criminal case is pending against either of the parties.

In compliance thereof, respondent No. 2/informant, Harmanjit Kaur, and petitioner No. 1, Sukhjinder Singh, did appear before learned Additional District Judge, Mohali, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Harmanjit Kaur, suffered the following statement:-

“ Even during the pendency of this petition we could not agree to live together and have come to the court for second motion. Out of our wed lock one female child namely Gurleen Kaur was born on 4.5.2013 who is in my custody and shall remain in my custody. We have been living separately since 3.08.2013. So far as the matter regarding dowry articles and permanent alimony is concerned, the same has already been settled as per compromise Ex.PI which bears my signatures and I admit the contents of the compromise

to be correct. As per compromise petitioner Sukhjinder Singh had agreed to pay a sum of Rs.15 lacs for me and for up bringing the minor child including the dowry articles. Out of said 15 lacs, he has already paid me Rs.7.5 lacs on the previous date of hearing and today he has paid the remaining amount of Rs.7.5 lacs to me vide demand draft No. 436221 dated 20.4.2015 drawn on State Bank of Patiala, Barnala. I have already deposited Rs. 5 lacs in Fixed Deposit Receipt in the name of our minor child namely Gurleen Kaur and copy of the same Ex.P4 has been produced on record. Now nothing is due against petitioner Sukhjinder Singh and further I will not claim anything from him in future. I identify my photograph Ex. P2 and that of my husband Ex. P3 who is present in the Court, affixed on petition. This petition was voluntarily filed both of us and have made statement voluntarily. Our marriage may be dissolved by a decree of divorce. Copy of draft of Rs.7.5 lac is Ex.P6.

I have seen the certified copy of the order dated 12.2.2015 of Hon'ble High Court in CRM-M- No. 4627 of 2015 Ex. P5 in the Court stated to be produced by petitioner Sukhjinder Singh. I have compromised the matter with petitioner Sukhwinder Singh without any coercion, undue influence or pressure from any side. I have no objection if the F.I.R. No.162 dated 2.08.2014 under Sections 406/498-A of IPC, P.S. Sohana against petitioner Sukhjinder Singh and others is quashed by the Hon'ble High Court. Except abovesaid F.I.R., no

other civil or criminal case is pending between the parties.”

Petitioner No. 1, Sukhjinder Singh, also suffered the statement admitting the factum of the compromise.

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

“ Accordingly statements of petitioner No. 1 Sukhjinder Singh and petitioner (respondent?) No. 2 Harmanjit Kaur were recorded in duplicate. This Court is satisfied that statements have been made by them without any coercion, undue influence or pressure. Except F.I.R. No. 162 dated 2.08.2014 under Section 406, 498-A of IPC, Police Station Sohana registered against petitioner No. 1 Sukhjinder Singh and others, which has been sought to be quashed, no other civil or criminal case is pending between the parties. This Court is satisfied that compromise effected between the parties is genuine. Hence, this report is sent along with one set of statements of parties.”

Learned counsel for the petitioners submits that the present criminal litigation has arisen out of a matrimonial dispute between petitioner No. 1, Sukhjinder Singh, and respondent No.2, Harmanjit Kaur. 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 have decided to part with their company. He further submits that a petition under Section 13-B of the Hindu Marriage Act, 1955, has already been filed. He further submits that all the terms and conditions of the compromise have been materialized and at present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contentions, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888.

Learned counsel for the State on instructions from HC Kirpal Singh of Police Station, Sohana, District S.A.S. Nagar, and after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of

the compromise.

Learned counsel for respondent No. 2/informant also admits the factum of the compromise. He further submits that respondent No. 2, Harmanjit Kaur, did appear before learned Court below and suffered the statement with regard to the compromise. He further submits that respondent No. 2 has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the impugned FIR and the consequential proceedings had arisen out of a matrimonial dispute. During pendency of the same, better sense has prevailed and both the private factions have resolved their dispute and effected a compromise. As per the statements made by learned counsel for the parties, all the terms and conditions of the compromise have already been materialized.

The affected parties did appear before learned Court below and got recorded their respective statements. The report along with copies of the statements received from learned Court below would reveal that respondent No. 2/informant, Harmanjit

Kaur, has genuinely effected a compromise with the petitioners and she has no objection if the impugned FIR and consequential proceedings are quashed.

This Court also finds that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

In view of the statements suffered by the parties, report received from learned Court below, the admission on the part of learned counsel for the State and learned counsel for respondent No. 2, and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi (supra)**, present petition is accepted and FIR No. 162, dated 2.8.2014 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Sohana, District S.A.S. Nagar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 22, 2015
Pkapoor