

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

**CRM No.M-5342 of 2015
Date of Decision: October 15, 2015**

Bhagwan Dass

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Dinesh Kumar, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab.

None for respondent No.2-informant.

1. *Whether Reporters of the 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

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 155, dated 15.09.2012 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Bhawanigarh, District, Sangrur, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 19.02.2015, passed by this Court, 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 the copies of the statements and its detailed report in that regard.

In compliance of the above, the petitioner-Bhagwan Dass as well as respondent No.2/Informant-Kamlesh Rani did appear before the Court below, for getting their respective statements recorded. The copies of the statements as well as the report have been received from learned Judicial Magistrate First Class, Sangrur.

Respondent No.2/Informant-Kamlesh Rani suffered the following statement:

“Stated that I am the complainant in this case and the matter has been compromised between me and the accused persons by the intervention of respectable persons of the village and no pressure, force or coercion has been used by the accused person to patch up the matter. The matter has been compromised with my free consent. As per compromise I and the accused have filed the divorce petition under Section 13-B HMA which is pending for 20.05.2015 before the Court of Ld. Additional District Judge, Sh. Manjinder Singh, Sangrur. I have no objection if the FIR No.155 dated 15.09.2012, PS Bhawanigarh, Under Section 498-A/406 IPC is quashed.”

The operative part of the report received from learned

Court below is as under:

“In the given circumstances, I am satisfied that the parties have recorded their statements before the Court voluntarily. Statements are genuine. They were given without any pressure or coercion in any manner. The statements in original are sent herewith for king perusal. Report is submitted for his Lordship's kind perusal.”

Learned counsel for the petitioner submits that in view of the compromise so effected between the parties, petition under Section 13B of the Hindu Marriage Act, 1955 was presented before the learned District Judge, Sangrur, which was accepted on 20.05.2015 and a decree of divorce was passed. He further submits that all the terms and conditions of the compromised (Annexure P-2) have been materialized.

Learned counsel for the State on instructions from ASI-Karambir Singh of Police Station, Bhawanigarh, District Sangrur, has also admitted the factum of compromise and has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

After hearing learned counsel for the parties and going through the copies of the statements of the parties and the report received from the learned Court below, this Court finds that pendency of the FIR and the consequential proceedings emanating therefrom shall be sheer abuse of the process of law.

Keeping in view the factum of the compromise effected between the parties, present petition is accepted and FIR No. 155, dated 15.09.2012 (Annexure P-1), for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Bhawanigarh, District, Sangrur and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

15.10.2015

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