

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6508 of 2015

Date of decision: 26.08.2015

Dixit Mehra 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. Vaibhav Narang, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate for respondent No.2-
complainant.

HARI PAL VERMA, J. (Oral)

Prayer made in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 153, dated 07.09.2014, under Sections 406/498-A IPC, registered at Police Station E Division (Kotwali), District Amritsar, and all other consequential proceedings arising out of the aforesaid FIR on the basis of compromise/statement made in petition filed under Section 13-B of Hindu Marriage Act, at the time of first motion dated 05.02.2015 (Annexure P-1).

This Court vide order dated 20.07.2015, had directed the parties to appear before the Illaqa Magistrate/ trial Court to get their statements recorded and the Illaqa Magistrate/ trial Court was further directed to submit its report about the genuineness of the compromise, as per the statements of the parties so recorded.

Pursuant to the aforesaid order dated 20.07.2015, the parties have appeared before learned Addl. Chief Judicial Magistrate, Amritsar, and got their statements recorded. On the basis of the statements so recorded by the parties, learned Addl. Chief Judicial Magistrate, Amritsar, has submitted his report dated 12.08.2015, 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.

Accordingly, the statement of complainant/respondent No.2, namely, Pooja, made before the Addl. Chief Judicial Magistrate, Amritsar, is reads as under:-

“I am complainant of the case FIR No.153, dated 07.09.2014, under section 406/498-A of IPC registered at PS Kotwali, Amritsar. Now with the intervention of respectables of society, compromise has been effected between us without any pressure and undue influence or force and coercion. We have also got our marriage dissolved by mutual consent and my claims have been settled and I do not want to proceed with the case further and I have no objection if the FIR no. 153, dated 07.09.2014, under Section 406/498-A of IPC registered at PS Kotwali, Amritsar be quashed/cancelled by the Hon'ble High Court against accused namely Dixit Mehra, Neeru Mehra. Sanjay Chopra, Dipali Chopra and Sanjeev Talwar present in the court. My compromise is voluntary and genuine.

RO & AC

Sd/-

(Parminder Singh Rai)

ACJM/Asr./12.08.2015”

Mr. Gagandeep Singh, Advocate, has put in appearance on behalf of Mr. A.S. Manaise, Advocate for respondent No.2-complainant and does not dispute the factum of compromise.

Learned State counsel, on instructions from Head Constable Prem Chand, has also admitted 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. 153, dated 07.09.2014, under Sections 406/498-A IPC, registered at Police Station E Division (Kotwali), District Amritsar, and all other consequential proceedings arising out of the aforesaid FIR on the basis of compromise/statement made in petition filed under Section 13-B of Hindu Marriage Act, at the time of first motion dated 05.02.2015 (Annexure P-1), are hereby quashed.

August 26, 2015
Anjal

(HARI PAL VERMA)
JUDGE