

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM No.27388 of 2015 in/&
CRM-M-7354 of 2015

Date of decision: 24.08.2015

Harmohinder Singh 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. S.S. Rangi, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Amit Kumar, Advocate for respondent
No.2/complainant.

HARI PAL VERMA, J. (Oral)

CRM No.27388 of 2015

Prayer made in the present application is for permission to place on record certified copy of the order dated 08.07.2015 passed by the Matrimonial Court, under Section 13-B of Hindu Marriage Act and in case titled "*Harpreet Kaur Vs. Harmohinder Singh*" as Annexure P-4.

Application is allowed as prayed for. Certified copy of the order dated 08.07.2015 passed by the Matrimonial Court, under Section 13-B of Hindu Marriage Act and in case titled "*Harpreet Kaur Vs. Harmohinder Singh*" as Annexure P-4, is ordered to be taken on record.

CRM-M-7354 of 2015

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of the case FIR No.35, dated 28.05.2013 (Annexure P-1), for offence under Sections 406, 498-A IPC, registered at Police Station Women, District-Patiala and all proceedings subsequent arising thereto, on the basis of compromise dated 20.12.2014 (Annexure P-2).

This Court vide order dated 09.03.2015, has passed the following order:-

“Through the present petition filed under Section 482, Cr.P.C, the petitioners have prayed for quashing of FIR No. 35, dated 28.05.2013 (Annexure P-1) for offence under Sections 406, 498-A, IPC, registered at Police Station Women, District Patiala and all the proceedings subsequent arising thereto on the basis of compromise dated 20.12.2014 (Annexure P-2).

Notice of motion for 22,04.2015.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 27.03.2015, the date already fixed in the main case.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

Pursuant to the aforesaid order 09.03.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Patiala, and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Patiala, has submitted his report dated 08.04.2015 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.

Mr. Amit Kumar, Advocate, has put in appearance on behalf of respondent No.2/complainant and does not dispute the factum of compromise entered between the parties. He further submits that respondent No.2/complainant has received an agreed amount of Rs.3,50,000/- as full and final payment and even the decree of divorce petition as provided under Section 13-B of the Hindu Marriage Act has been passed by the Matrimonial Court, Patiala, on 08.07.2015.

Learned State counsel has also admitted the factum of compromise.

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. 35, dated 28.05.2013 (Annexure P-1) for offence under Sections 406, 498-A, IPC, registered at Police Station Women, District Patiala and all the proceedings subsequent arising thereto on the basis of compromise dated 20.12.2014 (Annexure P-2), are hereby quashed.

August 24, 2015
Anjal

(HARI PAL VERMA)
JUDGE