

240-A

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

CRM No.M-8891 of 2015

Date of Decision: 22.09.2015

KULBHUSHAN SHARMA AND ORS

. . . Petitioners

Versus

STATE OF PUNJAB AND ANR

. . . Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No*
- 2. To be referred to reporters or not? Yes/No*
- 3. Whether the judgment should be reported in the Digest? Yes/No*

Present: Mr. M.S. Virk, Advocate
for the petitioners.

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

Mr. A.D.S. Rai, Advocate
for respondent No.2.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 03 dated 10.01.2013, for the offences punishable under Sections 406, 498-A and 506 IPC, registered at Police Station, Garhshankar, District Hoshiarpur,

and all the consequential proceedings arising therefrom, on the basis of compromise, dated 20.02.2015 (Annexure P-2).

Vide order dated 27.04.2015, 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 directed to ensure the identity of the parties and observe as to whether the statements to be suffered by the parties were voluntary and without any pressure. The Court was also directed to send the complete report in that regard.

In compliance of the above, the petitioner Nos.1 to 6 their co-accused Ravi Dutt Sharma as well as respondent No. 2/informant, Madhu Bala, did appear before the Court below and got recorded their respective statements.

Ravi Dutt Sharma, refused to accept the compromise, whereas Madhu Bala suffered the following statement:-

“Stated that Compromise has been effected with the Petitioner i.e. 1. Kulbhushan Sharma S/o Naresh Chander Sharma, 2. Naresh Chander Sharma S/o Sh. Nasib Chand, 3. Urmila Devi W/o Naresh Chand, 4. Akashdeep S/o Naresh Chand Sharma, All Resident of H.No.544/118, Street No.2, New Shiv puri, Ludhiana, 5. Sudesh Sharma, W/o Davinder Kumar, 6. Davinder Kumar S/o Hari Kishan, both residents of H.No.1036, Subhash Nagar, Ludhiana and with Ravi Dutt Sharma S/o Krishan Gopal, resident of Vill: Talwandi Fattu, PS

Mukandpur, with the intervention of the respectable and the same is without any threat or force or coercion. On the basis of compromise Crl. Misc. M No.8891 of 2015 was filed in the Honourable High Court by petitioners 1 to 6. The parties have effected compromised and the same is without any threat, coercion or undue influence. Photocopy of compromise is mark 'A' & I have received a demand draft of Rs.5,50,000/- (Rs. Five lac fifty thousand only) dated 23.4.15 bearing No.724080. Photocopy of the same is mark 'B'.

Similar joint statement was suffered by petitioner Nos.1 to 6.

The operative part of the report received from Sub Divisional Judicial Magistrate, Garhshankar is as under:-

"Kindly refer to Hon'ble High Court's letter No.229, dated 1.5.15, alongwith order dated 27.4.15 passed by the Hon'ble High Court. It is humbly submitted that in compliance to above said order dated 27.4.2015, Complainant Madhu Bala had appeared in the court on 3.7.15 and got recorded her statement to the effect that she has effected compromise with accused Kulbhushan Sharma, Naresh Chander Sharma, Urmila Devi, Akashdeep, Sudesh Sharma, Davinder Kumar and with Ravi Dutt Sharma with her own sweet will without any coercion or duress. She has received demand draft No.724080, dated 23.4.15, amounting to Rs.5,50,000/- from the accused. Out of above said accused, accused Kulbhushan Sharma, Naresh

Chander Sharma, Urmila Devi, Akashdeep, Sudesh Sharma and Davinder Kumar had also got recorded their joint statement to the effect that they have effected compromise with complainant with their own sweet will without any coercion or duress. They have given demand draft No.724080, dated 23.4.15, amounting to Rs.5,50,000/- to the complainant.

It is further submitted that accused Ravi Dutt Sharma had got recorded his statement that he has not effected compromise with the complainant. He has filed petition for quashing the FIR against him in the Hon'ble High Court and in this case he will avail the said remedy in the Hon'ble High Court, but, however the complainant Madhu Bala stated that she has effected compromise even with him. In these circumstances, it seems that genuine compromise has been effected between the complainant Madhu Bala and accused Kulbhushan Sharma, Naresh Chander Sharma, Urmila Devi, Akashdeep, Sudesh Sharma and Davinder Kumar without any pressure or coercion and the same is genuine. However, one accused namely Ravi Dutt Sharma has specifically stated in his statement that he has not effected compromise with complainant Madhu Bala and he will avail the said remedy in the Hon'ble High Court as he has filed petition for quashing the FIR against him, but, however, the complainant had effected the compromise even with Ravi Dutt Sharma. Accordingly, report is submitted alongwith original statements of the parties."

Learned counsel for the petitioners submits that the dispute had arisen out of a matrimonial dispute, due to intervention of respectable and elderly people of the society, better sense has prevailed and both the parties except Ravi Dutt Sharma, have effected the compromise (Annexure P-2). All the terms and conditions of compromise have been materialized.

Learned counsel for the State, on instructions from ASI Balkar Singh of Police Station, Garhshankar, has also admitted the factum of compromise of the present matrimonial dispute and has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise (Annexure P-2).

Learned counsel for respondent No. 2/complainant/informant also admits the factum of compromise and has no objection if the impugned FIR and consequential proceedings not only qua the petitioner Nos.1 to 6 namely; Kulbhushan Sharma, Naresh Chander Sharma, Urmila Devi, Akashdeep, Sudesh Sharma and Davinder Kumar, but also in respect of Ravi Dutt Sharma as well.

I have heard the learned counsel for the parties and with their able assistance have gone through the material available on record.

Learned counsel for the petitioner submits that as many as six petitioners and their co-accused Ravi Dutt Sharma are nominated as accused. The present petition has been filed by petitioner Nos.1 to 6. All the accused except Ravi Dutt Sharma have resolved their dispute by entering into compromise and all the terms and conditions of compromise have been materialized. Learned counsel for the parties have also admitted the factum of compromise. Since Ravi Dutt Sharma co-accused of the petitioners has refused to accept the compromise and proposed to get the case decided on merits, as such, the petition filed by him bearing CRM No.M-2973 of 2014 would be decided separately.

After hearing learned counsel for the parties and going through the statement suffered by respondent No. 2/informant-wife, the report received from learned Trial Court and taking into consideration the ratio of 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**, present petition is accepted and FIR No. 03 dated 10.01.2013, for the offences punishable under Sections 406, 498-A and 506 IPC, registered at Police Station, Garhshankar, District Hoshiarpur, and all the consequential proceedings arising therefrom, are hereby quashed qua the

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petitioners, Kulbhushan Sharma, Naresh Chander Sharma,
Urmila Devi, Akashdeep, Sudesh Sharma and Davinder Kumar.

[NARESH KUMAR SANGHI]
JUDGE

22.09.2015
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