

Crl. Misc. No.M-11334 of 2016

1

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

Crl. Misc. No.M-11334 of 2016

Date of Decision: 25.05.2016

Hardeep Singh Dhaliwal

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Vivek Goel, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Nitin Rampal, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 35 dated 18.03.2011 registered under Sections 498-A and 120-B IPC at Police Station Ghall Khurd, District Ferozepur along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

The FIR, in question, was registered by respondent No.2- Balwinder Singh, who is grandfather of Kirandeep Kaur. Petitioner-Hardeep Singh Dhaliwal was married with grand daughter of respondent No.2.

Respondent no.2 and his grand daughter-Kirandeep Kaur were permanent residents of Canada. After marriage, the present petitioner as well as Kirandeep Kaur went to Canada. Thereafter, some dispute arose between petitioner and Kirandeep Kaur in Canada and the FIR, in question, was registered at the instance of respondent No.2 in India. Co-accused of the petitioner, namely, Hardev Singh (father-in-law), Kulwinder Kaur (mother-in-law) and Gurdev Singh (maternal grand father (nana)) of the petitioner faced trial and were acquitted of the charge by the Judicial Magistrate Ist Class, Ferozepur as both the parties entered into compromise. Complainant-respondent No.2-Balwinder Singh was declared hostile. Thereafter, petitioner and his wife filed a petition for divorce and the marriage was dissolved by way of decree of divorce. Petitioner, being resident of Canada, could not appear before the trial Court and he was declared as a proclaimed offender. Thereafter, the matter was compromised between the parties.

As per directions issued by this Court on 04.04.2016, the petitioner has surrendered before the trial Court and he was released on interim bail subject to its satisfaction. Both the parties were also directed to appear before the trial Court for recording of their statements with regard to compromise. Accordingly, their statements were recorded and thereafter, a report along with statements of the parties has been sent, which is on record.

In the report, it has been stated that the compromise arrived at between the parties is genuine, voluntary and without any pressure from either side. Complainant-respondent No.2 has also stated in his statement that his grand daughter has re-married after taking divorce from the petitioner. The compromise is as per free will and without any pressure. He has also stated that he has no objection, in quashing of FIR as well as other

proceedings arising therefrom. A joint statement of Hardeep Singh, Mandeep Kaur, Manjit Kaur and Satnam Singh was also recorded, wherein, they have stated that they have compromised the matter as per their free will and criminal proceedings may be quashed.

Learned counsel for the respondents have not disputed the factum of compromise.

Heard the arguments of learned counsel for the parties and have also perused the file including the FIR as well as statements of the parties.

Petitioner as well as his wife were away to Canada and the FIR, in question, was registered at the instance of grandfather of wife of the petitioner, who was in India. The marriage between the parties was dissolved by way of divorce in Canada. Subsequently, as per compromise, the complainant-respondent No.2 as well as his grand daughter appeared before the trial Court and their statements were recorded. As per compromise arrived at between the parties, complainant-respondent No.2 and his grand daughter have no objection, in quashing of FIR as well as other proceedings arising therefrom. Grand daughter of the complainant has also re-married after divorce.

It is a matrimonial dispute, which has been settled. The compromise arrived at between the parties is in their interest as they wanted to remain separately and are happy in their own lives. Complainant has also stated in his statement that he has no objection in quashing of FIR as well as other proceedings arising therefrom.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in

case, the compromise is there between the parties.

By exercising the powers under Section 482 Cr.P.C and by considering the interest of the parties, the present petition is allowed. FIR No.35 dated 18.03.2011 registered under Sections 498-A and 120-B IPC at Police Station Ghall Khurd, District Ferozepur along with all subsequent proceedings arising therefrom qua petitioner-Hardeep Singh Dhaliwal, are hereby quashed.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE