

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-30911 of 2015

Date of decision : 20.09.2016

Simranjit Singh and another

..... Petitioners

versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manbir Singh, Advocate
for the petitioner

Mr. K.S. Aulakh, AAG Punjab

Mr. Brijeshwar Singh Bhalla, Advocate
for respondent No. 2

ANITA CHAUDHRY, J. (ORAL)

The instant petition is for quashing of FIR No. 166 dated 05.07.2013 filed under Sections 406/498-A IPC registered at Police Station Phase-I, SAS Nagar and the consequent proceedings arising out of the same, on the basis of compromise arrived at between the parties.

The parties had been directed to appear before the trial Court for getting their statements recorded with regard to compromise.

Report was received from the trial Court that neither the complainant nor her attorney appeared before it. Respondent No. 2 was again directed to appear before the trial Court within two weeks for getting her statement recorded and the report was awaited for 22.05.2016.

The trial Court had sent its report that one Baldev Singh i.e. Special Power of Attorney for complainant appeared in the Court and got his statement recorded that he was appearing as GPA on behalf of the complainant Jatinder Kaur but he was not allowed by his daughter to make any statement with regard to the compromise as she had been threatened by Simranjeet Singh saying that once the

FIR is quashed they will not let the complainant stay in Canada. He had placed on record copy of email sent by Jatinder Kaur that she will suffer a statement herself before the Court after coming to India in July 2016.

Learned counsel for the petitioner has pointed out that Rs. 21 lacs had been given to the complainant and she is now backing out of the compromise. Respondent No. 2 had been asked whether they were ready to return the amount.

Counsel appearing for respondent No. 2 states that respondent No. 2 would come to India in January 2017.

It appears that respondent No. 2 is avoiding to give any statement . Statement made in the petition under Section 13-B of the Hindu Marriage Act has been placed on record.

Learned counsel for the petitioner has placed on record affidavit given by Baldev Singh attested on 16.09.2015. The counsel states that it was second installment that was paid vide cheque and the entire amount has been paid.

Learned counsel for respondent No. 2 does not dispute that the amount has been received. Respondent No. 2 is avoiding her appearance and is delaying the matter. She had made a statement in the proceedings initiated under Section 13-B of the Hindu Marriage Act that she would support the petitioner in getting the FIR quashed. Divorce by mutual consent has already been granted. In this scenario it is not necessary to keep the matter alive. The matter had been compromised and the amount had been accepted by respondent No. 2.

No useful purpose would be served to keep the said FIR pending.

In view of the above and the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others*** (2012) 10 SCC 303, the instant petition is

same are quashed.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

September 20, 2016

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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No