

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37330-2015

Date of Decision: January 12, 2016

Amandeep Singh @ Aman

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Baljeet Kaur, Advocate,
for Mr. Sukhjit Singh, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by Amandeep Singh @ Aman, son of Gurdial Singh, resident of Village Balakipur, Tehsil Banga, District Shaheed Bhagat Singh Nagar, for quashing of FIR No. 82, dated 3.10.2015 (Annexure P-1), for the offences punishable under Sections 323, 324 and 342, IPC, registered at Police Station, Behram, District Shaheed Bhagat Singh Nagar, and all the consequential

proceedings arising therefrom, on the basis of compromise (Annexure P-2 Colly).

Vide order dated 2.11.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Manpreet Kaur, suffered the following statement:-

“ Stated that case FIR No. 82 dated 03.10.2015 under Sections 323, 324, 342 of the Indian Penal Code, Police Station Behram was registered on the basis of my statement against my husband Amandeep Singh alias Aman. Now with the intervention of the respectable of both the sides, the matter has been compromised, which has also been reduced into writing. Photocopy of the compromise is Ex. C1. I have entered into the said compromise with the accused with my own free Will without any outside pressure and I am also making this

statement without any kind of pressure with my own sweet Will. I have no objection if the FIR is quashed.”

The petitioner also suffered the statement admitting the factum of the compromise.

The operative part of the report received from learned Court below is as under:-

“Complainant Manpreet Kaur wife of Amandeep Singh alias Aman daughter of Joginder Singh aged about 25 years resident of Village Khatkar Kalan, Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar, identified by Sh. A.S. Rana, Advocate, appeared and made statement that FIR No. 82 dated 03.10.2015 under Sections 323, 324, 342 of the Indian Penal Code, police station Behram was registered on the basis of her statement against her husband Amandeep Singh alias Aman but with the intervention of the respectable of both the sides, the matter has been compromised, which has also been reduced into writing and produced photocopy of the compromise as Ex. C1. She further stated that she entered into the said compromise with the accused with her own free Will without any outside pressure and she has no objection if the FIR is quashed. Accused Amandeep Singh alias Aman also appeared and made statement admitting the compromise Ex. C1 being correct and prayed that the FIR against him may be

quashed. The copies of the statements of the parties and photocopy of compromise Ex. C1 are being sent herewith."

Learned counsel for the petitioner submits that due to incompatible behaviour and temperamental differences, the matrimonial accord between the husband (petitioner) and wife (respondent No. 2) could not pull on well and as a result thereof the present criminal litigation has originated. She further urged that due to intervention of the respectable and elderly people of the society, the matter has been resolved and both the private parties have effected the compromise (Annexure P-2 Colly). She further submits that all the terms and conditions of the compromise have been materialized and at present there remains no dispute amongst the private parties. She further submits that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of her contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and judgment of a 5-Judge Bench of this Court in the matter of

Kulwinder Singh and others v. State of Punjab and another,
2007 (3) RCR (Criminal) 1052.

Learned counsel for the State on instructions from ASI Sandeep Singh of Police Station, Behram, District Shaheed Bhagat Singh Nagar, and after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioner are bleak in view of the compromise so effected between the private parties.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant has genuinely effected a compromise with the petitioner and she has no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances

of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 82, dated 3.10.2015 (Annexure P-1), for the offences punishable under Sections 323, 324 and 342, IPC, registered at Police Station, Behram, District Shaheed Bhagat Singh Nagar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

January 12, 2016
Pkapoor