

CRM-M-26712-2014

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

CRM-M-26712-2014

Date of Decision: 02.05.2017

Ramesh Kumar and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjeev Sheokand, Advocate,
for the petitioners.

Mr. Kuldeep Sharma, DAG, Haryana.

Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioners-Ramesh Kumar, Tilak Raj, Tej Pal, Gian Chand and Gulshan Kumar have filed this petition under Section 482 Cr.P.C. praying for quashing of FIR No.204 dated 05.03.2010, registered at Police Station Civil Lines, Karnal, District Karnal, under Sections 406, 417, 420 and 120-B of the Indian Penal Code, on the basis of compromise deed dated 16.05.2012 (Annexure P-2), which was exhibited as Ex.C-1 during the trial and statements dated 16.05.2012 and 17.05.2014 (Annexures P-3 and P-4, respectively) of complainant/respondent No.2 recorded by the trial Court.

CRM-M-26712-2014

Notice of motion was issued. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

Respondent No.2 also appeared through her counsel.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that compromise deed is Annexure P-2 which was filed before the trial Court alongwith application seeking permission to compromise the matter. As per this compromise deed, the accused agreed to make payment of ₹12 lakhs in all as permanent alimony and maintenance to complainant-respondent No.2 in full and final settlement of all the claims. Respondent No.2-Bharti Devi also agreed to withdraw all the cases pending against the accused persons including the cases under Sections 415, 420 and 120-B IPC, contempt petition etc. It is also stated in the compromise deed that all the matters pending in the courts have been amicably settled with the intervention of family friends and respectables of the society. Annexure P-3 is the statement of respondent No.2, got recorded by her before the trial Court, in which she stated that she has compromised the matter with the accused in accordance with Ex.C-1 for a consideration of ₹12 lakhs, out of which, she had already received ₹4 lakhs and she received ₹8 lakhs on the day of execution of Ex.C-1. In her statement, she also stated that she will be responsible for filing the petition under Section 13-B of the Hindu Marriage Act for taking divorce from Tej Pal. She also stated that she has nothing outstanding against the accused and in future, she will not file any claim or case against the accused. She will withdraw her cases pending in the courts. Annexure P-4 is the

CRM-M-26712-2014

statement of respondent No.2, got recorded by her before the trial Court on 17.05.2014, in which she also stated that the compromise has taken place in accordance with Ex.C-1 and she has received ₹12 lakhs and now she does not want to take any legal action against the accused and nothing remains outstanding against the accused. She also stated that she does not have any objection if the case against the accused is dismissed. Annexure P-5 is the copy of order dated 17.05.2014 passed by learned Judicial Magistrate Ist Class, Karnal in which it has been held that offence under Section 406 IPC is compoundable only upto the value of property of ₹2000/- and, therefore, learned Magistrate has not granted permission to compound the offence under Section 406 IPC and application seeking permission to compound the offences has been rejected.

At the time of arguments, learned counsel for respondent No.2 has not disputed the documents Annexures P-2 to P-5 and also the facts that the compromise has taken place between the parties and ₹12 lakhs have been received by respondent No.2.

Moreover, in reply filed on behalf of respondent No.1-State, the factum of compromise and filing of consent divorce petition is admitted.

From the record, I find that respondent No.2 has availed the benefits under the compromise. In ***Shlok Bhardwaj vs. Runika Bhardwaj and others 2015 (1) RCR (Criminal) 249***, it has been held that after settling the matter, wife is estopped from continuing criminal proceedings filed by her before divorce. Keeping in view the facts and circumstances of the present case and law laid down in ***Shok Bhardwaj's case (supra)***, I find that after availing the benefits under the compromise by the private respondent,

CRM-M-26712-2014

to continue with the criminal proceedings filed by her is nothing, but an abuse of process of law. Therefore, finding merit in the present petition, the same is allowed and FIR No.204 dated 05.03.2010, registered at Police Station Civil Lines, Karnal, District Karnal, under Sections 406, 417, 420 and 120-B of the Indian Penal Code and all other subsequent proceedings arising therefrom are hereby quashed.

02.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No