

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

CRM-M-4341 of 2015 (O&M).
Decided on:-20.09.2017.

Kamla Devi and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Abhishek Yadav, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. Ranjan Lakhanpal, Advocate
for respondent No.2.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.224 dated 31.08.2012 under Sections 316 and 120-B IPC registered at Police Station City Patran, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.01.2015 (Annexure P-3).

On the basis of complaint made by respondent No.2 Shani Kumar alias Sanni Kumar, the aforesaid FIR was registered against the petitioners. Apart from the petitioners, Sonu son of Jagdish, Het Ram son of Chandu Ram, Anguri Devi and Dr. Urmila Dhatrawal were also named as accused in the FIR. However, the police has submitted Challan against the

petitioners and other accused, namely, Urmila Dhatrawal. The other co-accused, namely, Sonu, Het Ram and Anguri Devi were found to be innocent during investigation.

Vide order dated February 10, 2015 passed by this Court, the parties were directed to appear before the trial Court on the date fixed i.e. 16.02.2015 or any other date convenient to the trial Court for getting their respective statements recorded with regard to compromise. The trial Court was directed to record the statements of both the parties and to submit the report about genuineness of the compromise along with the statements of the parties.

Pursuant to the aforesaid order dated February 10, 2015, the parties had appeared before the trial Court and as a consequence thereof, the trial Court had forwarded a report dated 28.05.2015.

Still, in order to explore the possibility so that the respondent-complainant and his wife Meenu can stay together as husband and wife, this Court has made various efforts. The order dated 17.08.2017 passed by this Court shows that the respondent No.2 has shown his inclination to take his wife from the Court premises itself, but learned counsel for the petitioners has submitted that the respondent No.2 left his wife at Sector 43 Bus Stand, Chandigarh.

Be that as it may, Meenu is not a party in the present petition and the petition has been filed seeking quashing on behalf of petitioners, namely, Kamla Devi, Narsi Ram and Jagdish Ram alias Jagdish Chand and in terms of order dated February 10, 2015 of this Court. The parties have appeared before the trial Court and have suffered their respective statements in support of the

compromise. The report has also been received from learned Additional Sessions Judge, Patiala.

Statement of respondent No.2-complainant Shani Kumar alias Sunni Kumar made before the trial Court on 10.03.2015 reads as under:

“My marriage was solemnized with Meenu daughter of Narsi Ram of Hansi, District Hisar (Haryana) on 6.11.2011. After marriage, we resided together for six months at Shutrana and thereafter dispute arose between us on account of temperamental differences. My wife got registered a criminal case vide FIR No.495 dated 23.8.2012 under Section 406/498-A of IPC, in Police Station Hansi, Haryana while another criminal case vide FIR No.224 dated 31.8.2012 was got registered by me against my wife and her family members under Sections 316/120-B of IPC, PS Patran, District Patiala.

Now with the intervention of respectable, I have settled the matter with my wife and her family members and a written compromise to that effect was executed between the parties, duly signed by me, my wife and other respectables from both the sides. I have seen copy of said compromise and I identify my signatures on each page of the same alongwith that of my wife Meenu and other respectables. Copy of compromise is Ex.CX. The original of the same was produced before Hon’ble Punjab & Haryana High Court, Chandigarh while filing Quashing Petition. As per compromise, I and Meenu have resolved to live together in matrimonial home at Shutrana. I have voluntarily and willfully signed compromise Ex.CX after admitting its contents to be true. Now in order to promote the peace and harmony and in order to save our matrimonial life we have decided to settle the matter once for all and we are willing to get the FIR quashed in terms of the compromise and to abide by other terms of the compromise. This compromise is for the

betterment of both the parties. Today also, I am giving my statement voluntarily and without any undue pressure.”

In view of the fact that the parties have suffered their respective statements on oath before the trial Court in support of the compromise, this Court finds that the FIR in question is liable to be quashed qua the petitioners.

Thus, in view of the judgment of Hon'ble Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008(2) RCR (Criminal) 429*** and following the law laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, the present petition is allowed and the FIR No.224 dated 31.08.2012 under Sections 316 and 120-B IPC registered at Police Station City Patran, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.01.2015 (Annexure P-3).

September 20, 2017

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No