

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12398-2018

Date of Decision:21.09.2018

Meena Mehta and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Bhrigu Dutt Sharma, Advocate,
for the petitioners.

Mr. Tanvir Joshi, A.A.G., Punjab.

Mr. Pawan Sharma, 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.12 dated 01.07.2015 under Sections 406, 420, 120-B IPC, registered at Police Station NRI, District Amritsar (Annexure P-1) and order dated 16.03.2016 (Annexure P-3), whereby petitioner Nos.2 and 3 were declared proclaimed offenders and all subsequent proceedings arising therefrom on the basis of compromise dated 08.02.2018 (Annexure P-4).

This Court vide order dated 12.07.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate 1st Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.09.2018 to the effect that the compromise is genuine, voluntarily and without any coercion and undue influence.

Respondent No.2-Complainant, namely, Tarsem Singh, has made a statement with regard to compromise before learned Magistrate on 14.08.2018. The same is reproduced as under:-

“ FIR bearing No.12 dt. 1.7.2015 U/S 406, 420 & 120B of IPC pertaining to PS NRI, Amritsar has been registered at my instance against Meena Mehta, Prem Parkash s/o Krishan Lal, Mamta Mehta w/o Prem Parkash all r/o House No.5, New Jain Nagar, Jagadhari, District Yamuna Nagar, Haryana. Now we have entered into compromise with the intervention of respectable persons with above accused persons. Today, I have received Rs.1,50,000/- vide cheque No.136690 dt. 14.8.2018, subject to clearance and remaining amount of Rs.1,50,000/- will be paid on the date of quashing by Hon'ble Punjab & Haryana High Court. The compromise is genuine and valid one which is without any pressure or coercion etc. and out of my free will. The compromise has been effected without any undue influence and pressure or coercion. I have no objection if the above said FIR is quashed qua accused persons. I identified the accused present in the Court”

Respondent No.2-Tarsem Singh, who is author of the FIR, is present in the Court and has been duly identified by Mr. Pawan Sharma, Advocate. He states that the matter has been compromised in its totalities and therefore, he has no objection in case compromise dated 08.02.2018 (Annexure P-4) executed between the parties is made part of the record and FIR is quashed on the basis of this compromise.

Learned counsel for the petitioners has stated that, in view of

the compromise so arrived at between the parties, ₹1,00,000/- had been paid

to respondent No.2-complainant on 08.02.2018 the date when the compromise was drafted, another sum of ₹1,50,000/- was paid at the time when the statements of the parties were recorded and the remaining amount of ₹1,50,000/- is being paid by way of cheque No.136693 dated 21.09.2018, photocopy of which is produced. He further states that petitioner Nos.2 and 3 have been admitted on anticipatory bail and surrendered before the trial Court, there is no impediment to quash the proceedings on the basis of compromise.

Learned counsel for respondent No.2-complainant has accepted the aforesaid amount.

I have heard learned counsel for the parties.

Considering the fact that pursuant to the order dated 12.07.2018 passed by this Court, petitioners have appeared before the trial Court to get their statements recorded as well as having been admitted on bail by the trial Court, this Court finds that there is no impediment for the Court to quash the proceedings merely on the plea that the petitioners have opted to challenge the P.O. order through the instant petition as well. Since respondent No.2-complainant is the father-in-law of petitioner No.1, this Court finds that it was otherwise *inter se* a family dispute. Moreover, the matrimonial dispute between petitioner No.1-Meena Mehta viz-a-viz her husband Harwinder Singh has already attained finality as he (Harwinder Singh) has obtained an *ex parte* decree, which petitioner No.1 has not challenged.

Learned State counsel as well as the counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to

continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles 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*, this petition is allowed and FIR No.12 dated 01.07.2015 under Sections 406, 420, 120-B IPC, registered at Police Station NRI, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 08.02.2018 (Annexure P-4).

September 21, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No