

CRM-M-42813-2017

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

CRM-M-42813-2017

Date of Decision: 11th May, 2018

Anju

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Chandan Singh Rana, Advocate, for the petitioner.
Mr. Dhruv Dayal, Sr. DAG, Punjab.
Mr. Karan Padam, Advocate for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.121 dated 25.05.2016, under Sections 452, 34, 323, 325, 308 and 120-B of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Rama Mandi, District Jalandhar, (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 06.11.2017 (Annexure P-2) entered into between the parties.

The case came up for hearing before this Court on 14.11.2017, when following order was passed:-

“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 121 dated 25.5.2016, registered under Section(s) 452, 34, 323, 325, 308 & 120-B IPC at Police Station Rama Mandi, District Jalandhar on the basis of compromise dated 6.11.2017 (Annexure P2).

Learned counsel for the petitioners contended that

the parties have amicably settled their disputes with the intervention of the respectables.

Notice of motion.

On asking of the Court, Ms. Jaspreet Kaur, Assistant Advocate General, Punjab accepts notice on behalf of respondent(s) No. 1. Mr. Karan Padam, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 and affirmed the fact of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 4.12.2017 for getting their statements recorded with regard to the compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 25.1.2018. ”

In compliance with the above order, parties appeared before the trial Court and got recorded their respective statements. The trial Court, after recording the statements of the parties, has submitted its report dated 05.12.2017, according to which, the compromise, which has been entered into between the parties i.e. petitioner and respondent No.2-complainant, is genuine, voluntary, without any pressure, out of free will, without being under any duress or undue influence.

Counsel for the petitioner, in the light of the report of Judicial Magistrate Ist Class, Jalandhar, referred to above, prays that the present petition be allowed as the parties have amicably resolved their dispute.

Counsel for respondent No.2-complainant does not oppose the prayer as made by the counsel for the petitioner because respondent No.2-complainant has no objection in case the present petition is allowed and the FIR which has been registered at his behest is quashed.

It is asserted and has been found in the report that the petitioner is the wife of respondent No.2 and it was a matrimonial dispute and during the pendency of the said FIR, matter has been resolved between the wife and husband and they again started living together. Counsel for the petitioners states that the dispute is amicably resolved by the parties to save the matrimonial relationship and therefore, the present petition may be allowed.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the matter has been amicably resolved between the wife and husband where the husband, in the light of the compromise, does not want to pursue the present FIR against the petitioner, this Court is of the opinion that it would be in the interest of justice that the proceedings are brought to an end against the petitioner.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as ***'Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of

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Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482 as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.121 dated 25.05.2016, under Sections 452, 34, 323, 325, 308 and 120-B of IPC, registered at Police Station Rama Mandi, District Jalandhar, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

11th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No