

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

**CRM-M No.4146 of 2019
Date of Decision: 08.07.2019**

AKVINDER SINGH GOSAL AND ANR

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Hardip Singh, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Joginder Sharma, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.03 dated 03.01.2014, under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station City Roopnagar, District Roopnagar along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, the marriage of the complainant

was solemnized with petitioner No.1 on 25.01.1995 as per Hindu rites. Out of the said wedlock two sons, namely Harsimranjit Singh and Inderjot Singh were born. On 06.12.1997, the complainant was thrown out of her matrimonial home, at that time she was in the family way at advanced stage. Despite above, accused-petitioners used to harass the complainant and her old age parents. The petitioners used to demand dowry. Greed of the petitioner No.1 and his parents was to such an extent that they started harassing the complainant for more dowry items as well as cash. Not only this, they also tried to kill the complainant by tying her neck with the telephone wire. Petitioner No.1 and his parents forced the complainant to leave Delhi and accompany them to Mohali/SAS Nagar and settle there, so that the ailing mother of the complainant could be deprived of any assistance, care and company of the complainant, as she is the only daughter of her parents. When the complainant refused to accompany them, petitioner No.1 and his parents became cruel towards her as well as minor son's life. Further allegation is that petitioner No.1 has filed a false and frivolous suit against the complainant, which was subsequently dismissed by the Court due to non-appearance on 25.01.2001. Petitioner No.1-accused has also forged the signatures of the complainant-respondent No.2.

Heard learned counsel for the parties and perused the paper book.

On 29.01.2019, while issuing notice of motion the following order was passed by this Court:

“This petition has been filed for quashing of FIR No.03 dated 03.01.2014 on the basis of compromise.

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State of Punjab. Let two copies of the petition be supplied to him during the course of the day. Mr. Joginder Sharma, Advocate, puts in appearance and accepts notice on

behalf of respondent No.2.

The parties are directed to appear before the trial Court/Illaq Magistrate on 20.02.2019 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court regarding the genuineness of the compromise between them as well before the next date of hearing.

Adjourned to 12.04.2019.”

In terms of above order, the statements of the parties were recorded by learned Chief Judicial Magistrate, Rupnagar and submitted a report dated 06.03.2019. The operative part of the same reads as under:-

'....it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently , the compromise effected between the parties seems genuine one.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

On instructions from ASI Surinder Singh, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

Since the matter is primarily matrimonial dispute and has been compromised between the parties, this Court is fully convinced that the offences

are entirely personal in nature and there is no public funds involved and do not affect any public peace and tranquility, thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

July 08, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>