

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

**CRM-M No.4965 of 2019
Date of Decision: 12.03.2019**

PRATIMA SHARMA AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Vaibhav Narang, Advocate
for respondents No. 2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.93 dated 27.06.2016 (**Annexure P-1**), under Sections 418, 420, 406 and 120-B of the Indian Penal Code registered at Police Station Gate Hakima, Amritsar City, District Amritsar along with all consequential proceedings arising therefrom on the basis of compromise dated 24.01.2019 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

As per the allegations in the FIR, it has been alleged that respondent No.3 got married with petitioner No.1 on 13.12.2009 as per Hindu rites and ceremonies. Thereafter, respondent No.3 shifted to Australia and he used to send

money to petitioner No.1 for doing her M.Ed course and also purchased one plot in her name. On 25.01.2016, petitioner No.1 in connivance with petitioner No. 2,3 and 4 obtained ex-parte divorce from respondent No.3 by showing him resident of India, whereas he was residing in Australia. Respondent No.3 was not aware about the decree of divorce, therefore, petitioner No.1 continued receiving heavy amounts as well as clothes from him. Also alleged that petitioners have committed fraud with respondents No. 2 and 3.

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

On 04.02.2019, while issuing notice of motion this Court has passed the following order:

“ Contends that the matter has been compromised between the parties.

Notice of motion.

Mr. Vaibhav Narang, Advocate appears on behalf of respondents no.2 and 3 and files memo of appearance, same is taken on record. He undertakes to file vakalatnama in the registry.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1. Copy of the petition supplied to him.

Learned counsel for the petitioners as well as respondents No. 2 and 3 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 25.02.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/affected persons, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

(i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any

manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and affected persons are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 12.03.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance. ”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Amritsar and submitted a report dated 09.03.2019. The operative part of the same reads as under:-

'It is further submitted that the compromise was effected without any pressure or coercion, no any undue influence and is absolutely genuine and valid.'

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 Joga 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 primarily it is a matrimonial dispute and the matter 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 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.

March 12, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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