

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

**Criminal Misc. No.M-25628 of 2016 (O&M)
Date of Decision: 03.04.2019**

Amrik Singh & another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. J.S. Bagga, Advocate for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Surinder Sharma, Advocate for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 CrPC is for quashing of FIR No.141 dated 20.05.2013 under Sections 406/498-A IPC registered at P.S. Phillaur, District Jalandhar on the basis of compromise Annexure P-2.

On the basis of averments so made in the petition, this Court vide order dated 07.11.2016 had directed the parties to get their statements recorded before the Illaqa Magistrate/trial Court and the Illaqa Magistrate/trial Court was directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

Accordingly, the parties have appeared before learned Sub Divisional Judicial Magistrate, Phillaur on 23.02.2017 and got their statements recorded. However, respondent no.2-Rajwinder Kaur has not

supported the compromise so effected. Statement of Rajwinder Kaur reads as under:-

“That no divorce ever took place between myself and my husband Amrik Singh accused. I have never executed any document or affidavit of divorce in favour of my husband Amrik Singh and no document of divorce ever executed between myself and Amrik Singh. On 14.06.2016 the accused took my signature under pressure and forcibly on blank papers and no document was written on 14.06.2016 in my presence. I have filed a divorce case against my Amrik Singh which is pending in the Court of Sh. V.K. Goyal Jalandhar for 04.03.2017.”

Learned counsel for respondent no.2 also submits that no compromise has entered between the parties.

In view of the argument raised on behalf of respondent no.2- Rajwinder Kaur and also considering the statement of respondent no.2 recorded before the Magistrate on 23.02.2017, this Court finds that the prayer for quashing of the FIR in question on the basis of compromise cannot be accepted.

Accordingly, the present petition is hereby dismissed.

However, the petitioner is at liberty to file a fresh petition on merits or on the basis of compromise, in case the matter is compromised.

April 03, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No