

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

**CRM-M No.18493 of 2019
Date of Decision: 08.07.2019**

GURPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ravi Chadda, Advocate
for the petitioner.

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

Mr. Pardeep Panwar 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.08 dated 19.01.2017, under Section 498-A of the Indian Penal Code, registered at Police Station Women Police Station, District Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 18.09.2018 (P-2) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, this is the third marriage of the

complainant. Parents of the complainant has delivered all documents qua divorce of respondent No.2 to the petitioner, despite that he agreed to perform the marriage with the complainant and which was solemnised on 18.01.2015 as per sikh rites and a male child was born out of the wedlock. Petitioner used to demand money from the parents of the complainant and his behaviour was not good towards her. The petitioner is addicted to intoxicants drugs and this fact came to the knowledge of the complainant after marriage. The petitioner used to harass her physically as well as mentally from the first day of the marriage and used to come to home with his friends. When complainant tried to object the petitioner, he used to beat her mercilessly with the help of his family members. On 01.05.2015, younger brother of the complainant, namely, Navdeep Singh visited the house of her in-laws, then accused-petitioner insulted and told him to take her sister back otherwise they will beat her mercilessly. Upon this, brother of the complainant took her to the parental home, thereafter, she resided there for 4-6 months. On 09.04.2016, the parents of the complainant went to the matrimonial home of the complainant and tried to convince the petitioner to settle the matter, but he was adamant on the demand that send the complainant alongwith Rs. 1 lac. Petitioner has also misappropriated all the dowry articles of the complainant.

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

On 25.04.2019, while issuing notice of motion the following order was passed by this Court:

“Lawyers are abstaining from work today. However, after going through the material available on record, this Court deems it appropriate to issue notice of motion for 8.7.2019.

In the meantime, parties are directed to appear before the learned trial court/Illaqa Magistrate on 15.5.2019 and to get

recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

Learned trial court/Illaq Magistrate shall summon respondent No.2 to get her statement recorded.

A copy of this order be sent to the learned trial Court/Illaq Magistrate, through fax, for compliance.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Ludhiana and submitted a report dated 17.05.2019. The operative part of the same reads as under:-

'From the statements, it appears that compromise has been voluntarily effected between the parties. The compromise appears to be genuine and without any pressure or coercion. No other Criminal proceedings are pending between the parties except 13-B of Hindu Marriage Act.”

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 the police official, who is present in the Court, 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 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 petitioner.

July 08, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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