

129.

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

**CRM-14280-2019 IN/AND
CRM-M-18329-2019**
Date of decision: 06.05.2019

KIRPAL SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Baldev Singh Badhran, Advocate,
for the petitioners.

HARI PAL VERMA, J. (Oral)

CRM-14280-2019

Prayer in the application filed under Section 482 Cr.P.C. is for preponing the case for early date, which is otherwise fixed for 24.07.2019.

For the reasons stated in the application, same is allowed, the hearing of the petition is preponed and the same is taken on board today itself.

CRM-M-18329-2019

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.52 dated 01.06.2017 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement dated 08.03.2019 made by complainant-Avneet Kaur before the learned Judicial Magistrate 1st Class, Patiala.

Learned counsel for the petitioners states that in the present case, the petitioners were summoned on an application filed under Section 319 Cr.P.C.

At this stage, Mr. Ravi Kant, Advocate, has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He admits the factum of compromise between the parties.

Heard counsel for the parties.

The husband of the complainant has filed a petition seeking quashing of F.I.R. No.52 (*supra*) on the basis of compromise bearing **CRM-M-3911 of 2019** titled as ***Abhishek Versus State of Punjab and another*** wherein this Court vide order dated 28.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court on 08.03.2019 to get the statements recorded and in pursuance thereof, the complainant-Avneet Kaur appeared before the learned Judicial Magistrate 1st Class, Patiala and suffered a statement that she has compromised the matter with accused Abhishek as well as Kirpal Singh, Madhumina and Anmol Saini (present petitioners) and has no objection in case FIR and proceedings arising therefrom are quashed by this Court. Accordingly, vide order of even date passed in **CRM-M-3911-2019** titled as ***Abhishek Versus State of Punjab and another***, this Court has quashed the FIR qua accused Abhishek. The said statement reads as under:-

“Stated that I am the complainant of present case FIR no.52 dated 1.6.2017, U/ss 406/498-A IPC registered at P.S. Women, Patiala, which has been get registered by me against the accused Abhishek and Kirpal Singh, Madhumina and Anmol Saini were summoned as accused U/s 319 Cr.P.C. Now due to intervention of respectables of locality and common friends, I

have compromised with the accused voluntarily, out of free will and without any coercion or undue influence. That I alongwith accused Abhishek have filed joint divorce petition U/s 13-B of Hindu Marriage Act and same is pending before the court of Sh. Deepak Kumar Choudhary, learned Addl. Principal Judge, Family Court, Patiala. I have no objection if present FIR and proceedings arising out of present FIR against the accused Abhishek as well as against Kirpal Singh, Madhumina and Anmol Saini are quashed by the Hon'ble Punjab and Haryana High Court after passing of decree of divorce by the learned Court. I am giving this statement voluntarily, out of free will and without any coercion or undue influence. The compromise between us is genuine.”

Since, the complainant/respondent No.2 has already suffered her statement before the learned Judicial Magistrate 1st Class, Patiala to the effect that she has compromised the matter with her free will and has no objection in case the FIR and subsequent proceedings arising therefrom are quashed qua the present petitioners as well, the continuation of the proceedings against the petitioners would be abuse of process of law as chances of their conviction are bleak.

Accordingly, present petition is allowed and F.I.R. No.52 dated 01.06.2017 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

(HARI PAL VERMA)
JUDGE

06.05.2019

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No