

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

**CRM-M No.18368 of 2019
Date of Decision: 08.07.2019**

JASDEEP SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Kaushik, Advocate
for the petitioners.

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

Mr. Gurshamshir Waraich, 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.81 dated 10.09.2018, under Sections 498-a, 323, 341, 506 and 34 of the Indian Penal Code, registered at Police Station Bhadson, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise dated 11.03.2019 (P-2) entered into between the parties i.e. petitioners as well as respondent No.2.

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

No.2/complainant-Sandeep Kaur and petitioner No. 1 was solemnised on 11.02.2017 , but she was harassed for dowry at the instance of his parents. On 09.09.2018, petitioners under a well planned conspiracy called the father and mother of respondent No.2 by making a phone call, when they entered inside through the main gate, all the petitioners manhandled them. Petitioner No.1 gave danda blow on the forehead of the father of the complainant; petitioner No.4 gave punch blow to the father of the complainant; Petitioners No. 2 and 3 gave punch blow to the complainant and her mother. Consequently, the complainant and her parents raised noise and upon hearing the same, neighbourers came and they also gave beating to the complainant as well as to her parents. Petitioners also gave threats for life to the complainant as well as her parents. Complainant called at 181 Helpline, thereafter, police reached on the spot, then the complainant as well as her parents got admitted in Civil Hospital Nabha due to the injuries suffered by them.

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/Illaqa 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/Illaqa Magistrate shall summon respondent No.2 to get her statement recorded.

A copy of this order be sent to the learned trial Court/Illaqa

Magistrate, through fax, for compliance.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Nabha and submitted a report dated 15.05.2019. The operative part of the same reads as under:-

'....They stated that they have entered into compromise voluntarily, without any pressure and coercion. It appears that there is no pressure or coercion on both parties for entering into compromise and the same is purely voluntary.”

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 Harjinder 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 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>