

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

CRM-M-31390-2022

Date of Decision:- 21.11.2022

DALIP KUMAR

...Petitioner

Vs.

STATE OF PUNJAB & ANR.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. H.K. Bhatti, Advocate for the petitioner.
Mr. Mohinder Singh Joshi, Additional A.G. Punjab.
Mr. Karanpreet Singh, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

The petitioner has filed the instant petition under Section 482 Cr.P.C. for quashing of the FIR No.234 dated 23.12.2021 registered under Section 498-A IPC at Police Station Phase-1, District SAS Nagar, Mohali and the consequent proceedings arising therefrom on the basis of compromise.

As per the facts of the case the complainant Gugli Rani gave her statement to the police to the effect that her marriage was performed with Dalip Kumar on 28.06.2018 according to Hindu Rites and Ceremonies. Her parents had spent Rs.13,00,000/- on her marriage and had given Alto Car bearing UP-38-M-0497 (silver) in his name. Her parents had given gold ornaments, furniture articles, blankets, suits and other gifts at the time of marriage. For few months, she lived comfortably in the matrimonial home but after some time Dalip Singh started raising demand of Rs.2,00,000/- for purchasing a motorcycle. She was maltreated in the

matrimonial home by her husband, mother-in-law and sister-in-law. She was also beaten up. They used to find fault in her work. Her husband suspected him due to the conduct of his brother Kaku and for this she was badly beaten up. She was again beaten in the month of June, 2020 when she was pregnant and due to this she had miscarriage. There was no change in their behaviour and ultimately the present complaint was filed.

Notice of petition was given to the respondents and the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statement regarding the said compromise.

The detailed report dated 02.08.2022 received from the court of Judicial Magistrate 1st Class, SAS Nagar. The learned Judicial Magistrate recorded the statement of the petitioner Dalip Kumar and complainant Gugli Rani confirming the compromise. They also confirmed that this compromise has been effected with their free will, consent and without any pressure or undue influence and the accused has not been declared proclaimed offender and no other criminal case is pending against him as stated by him.

Learned counsel appearing on behalf of the State has not disputed the fact of compromise arrived at between the parties.

I have heard the arguments of learned counsel for the parties and have gone through the record carefully. As per the compromise report dated 02.08.2022 received from Judicial Magistrate 1st Class, SAS Nagar the matter has been mutually settled between the parties. The complainant Gugli Rani in her statement admitted the factum of compromise and stated that she has no objection in case the FIR is quashed. The learned

Magistrate in its report submitted that the petitioner has never been declared as proclaimed offender and also confirmed that this compromise has been effected between the parties with their free consent, without any coercion or undue influence. Under these circumstances, no purpose would be served to continue with the proceedings of criminal case registered on the basis of the aforesaid FIR. This compromise will bring peace and harmony in the life of the petitioner and respondent No.2.

Therefore, the petition filed by the petitioner is allowed and the FIR No.234 dated 23.12.2021 registered under Section 498-A IPC at Police Station Phase-1, District SAS Nagar, Mohali and the consequential proceedings arising therefrom are quashed.

21.11.2022
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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No