

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

127+295

CRM-M-34300-2022(O&M)

Date of decision : 24.04.2023.

Balkar Singh and Ors.

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Priyavrat Prashar, Advocate for the petitioners.

Mr. Vijesh Sharma, Addl. A.G.Haryana.

Mr. Krishan Sharma, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

CRM-12116-2023

This is an application u/s 482 Cr.P.C. for placing on record Annexure P-6.

For the reasons stated in the application, the same is allowed. The accompanying document as Annexure P-6 is taken on record.

CRM-M-34300-2022

The petitioners- Balkar Singh, Kulwinder Kaur and Tarvinder Singh have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.188 dated 09.04.2018, under Sections 323, 34, 406, 498-A, 506 of IPC, registered at Police Station Pehowa, District Kurukshetra and all other subsequent proceedings on the basis of compromise between the parties dated 01.02.2022 (Annexure P-2).

As per the facts of the case, the complainant –Gurjit Kaur filed written complaint against her husband-Tarvinder Singh and others, alleging that

she got married with Tarvinder Singh about 6 years ago and out of this wedlock she had a daughter. She was living in the matrimonial home and all her dowry articles were locked in two rooms. The complainant had the key of said rooms, as all the accused persons were residing in Italy and only came to India for 2 months in a year. Thereafter, she used to go to her mother's house at Pehowa. During her stay in the matrimonial home, she was harassed by her husband and in-laws family. Her husband wanted to leave her. He never took her to Italy nor he was bearing their expenditure. Her husband came to India in 2016 and assured her to take her to Italy but thereafter, he used to change under the influence of his parents. Even he did not pick up her calls. On one occasion, she had filed application to the SHO Barara but the accused No.1 had fled away from India. In January, 2018 she came to know that the accused persons had come to Barara. Thereafter, she reached there along with her daughter, parents and other relatives. She found that the locks of the said rooms were broken and all her belongings were removed. The accused Nos.2 and 3 proclaimed that she had no concern with them. Even the said house was demolished. Now she has become homeless. Ultimately, the matter was reported to the police. After enquiry, the present FIR has been registered.

The petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. The petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Sub Divisional Judicial Magistrate, Pehowa dated 12.10.2022. The statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioners. She confirmed that this compromise has been

effected without any pressure, coercion from any side and she has no objection regarding quashing of FIR.

The petitioners- Balkar Singh, Kulwinder Kaur and Tarvinder Singh have also confirmed this fact in their separate statements. The statements of Kulwinder Kaur and Tarvinder Singh have been recorded through V.C. The statement of ASI Gurdev Singh is also recorded who further confirmed that LOC was issued against Kulwinder Kaur and Tarvinder Singh but the accused are neither involved in any other case nor have been declared as proclaimed offenders.

Therefore, from the report of Sub Divisional Judicial Magistrate Pehowa, it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their matrimonial disputes. They have also filed joint petition under Section 13-B of Hindu Marriage Act in which decree of divorce has been granted on 15.09.2022. They will be able to live in peace and harmony. No purpose would be served with the continuation of criminal proceedings

Therefore, considering these facts the petition filed by the petitioners is accepted and FIR No.188 dated 09.04.2018, under Sections 323, 34, 406, 498-A, 506 of IPC, registered at Police Station Pehowa, District Kurukshetra and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

24.04.2023.

Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No