

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-55402-2022
Date of decision : 20.04.2023

Atul Sharma and Ors.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioners.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Aarish Kamboj, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioners- Atul Sharma, Pardeep Kumar Sharma, Sunita Rani, Harpreet Kaur and Vinod Singh @ Vinod Kumar have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.50 dated 04.06.2018, under Section 498-A, 406, 323, 506 of IPC, registered at Police Station City Fazilka, District Fazilka and all other subsequent proceedings on the basis of compromise between the parties dated 03.05.2022 (Annexure P-2).

The facts of the case are that the complainant-Tammana Sharma has filed the written complaint against Atul Sharma and others that her marriage was solemnized with accused no.1- Atul Sharma on 05.07.2017 at Sanjiv Palace Fazilka. Her father performed decent marriage despite financial problem. He had

given rings, clothes and other articles consisting of utensils etc. Soon after marriage, she was taunted by her husband and in-laws family for bringing less dowry and that too of inferior quality. There was no change in their behaviour. She was ill-treated by the entire family. She tried to adjust in the matrimonial home. Her husband and in-laws used to complaint that she did not bring a fridge, LED, AC or costly furniture. She was told that she should bring the aforesaid articles and motorcycle otherwise, she will get the same treatment. She did not disclose this fact to her parents. On 27.03.2018, she was brutally beaten up by her husband when she was pregnant. Her mother tried to make them understand that they were not in a position to give these articles. Ultimately, she filed the complaint and the present FIR has been registered.

Learned State counsel has filed status report, which is taken on record.

The petitioners filed this petition for the 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 Chief Judicial Magistrate, Fazilka dated 22.02.2023. 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- Atul Sharma, Pardeep Kumar Sharma, Sunita Rani, Harpreet Kaur and Vinod Singh @ Vinod Kumar have also confirmed this fact in their separate statements. The statement of SI Krishan Lal is also recorded who

further confirmed that the accused are neither involved in any other case nor have been declared as proclaimed offenders.

Therefore, from the report of Chief Judicial Magistrate, Fazilka, 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 20.09.2022. 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.50 dated 04.06.2018, under Section 498-A, 406, 323, 506 of IPC, registered at Police Station City Fazilka, District Fazilka and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

20.04.2023
Sunil Devi

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