

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

307

CRM-M- 59921-2022
Date of decision : 24.04.2023

Gurbachan Singh

..... Petitioner

V/S

Chandigarh Union Territory Chandigarh and Another

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Narinder Singh Pawar, Advocate for the petitioner.

Ms. Roopse Sharma, Advocate for
Mr. Anil Kumar Lamdharia, APP, UT, Chandigarh.

Mr. Sanjeev Kumar Birla, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioner- Gurbachan Singh has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.90 dated 04.10.2016, under Sections 406, 498-A of IPC, registered at Women Police Station Sector 17, Chandigarh and all other subsequent proceedings on the basis of compromise between the parties dated 07.12.2020 (Annexure P-3).

As per the facts of the case, the complainant – Savdeep Kaur filed written complaint to the police that she got married with accused No.1 on 29.04.2005. Her parents had given sufficient dowry articles in the shape of gold jewellery, cash and other articles. All the dowry articles were entrusted to the accused persons. After marriage she was physically and mentally tortured. She

lived in a joint family. She was ill-treated in the matrimonial home as she belonged to a lower caste. Her sister-in-law also interfered in her married life. The behaviour of her husband was aggressive. He used to consume liquor every day. She used to inform her parents about the behaviour of her husband. She was given merciless beating and was also taken to Government Medical College, Sector-32, Chandigarh by her parents. She was continuously harassed and humiliated. There was no change in the behaviour of her husband. She has narrated the incidents which took place with her in the matrimonial home from time to time. She also filed one petition under Section 13 of Hindu Marriage, Act against her husband pending in the court of Sh. R.K.Sondhi, Additional District Judge, Chandigarh. She was turned out of the matrimonial home along with her two sons. Ultimately, the matter was reported to the police. After enquiry, the present FIR has been registered.

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 Judicial Magistrate 1st Class, Chandigarh dated 18.04.2023. The statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioner. 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 petitioner-Gurbachan Singh has also confirmed this fact in his separate statement. The statement of ASI Sukhdev Singh is also recorded who

further confirmed that the accused is neither involved in any other case nor has been declared as proclaimed offender.

Therefore, from the report of Judicial Magistrate 1st Class, Chandigarh, 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 the disputes and started living together. They will be able to live in peace and harmony. It will end all litigation started between them. 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.90 dated 04.10.2016, under Sections 406, 498-A of IPC, registered at Women Police Station Sector 17, Chandigarh 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