

CRM-M-21076-2023

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-21076-2023

Date of Decision: 16.01.2024

POOJA AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj Kumar Sharma, Advocate
for the petitioners.

Mr. Digvijay Nagpal, AAG Punjab.

Mr. Ritesh K. Sharma, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of complaint bearing No. 75 of 2018 titled as *Shubham Raj Vs. Pooja and Others* filed under Sections 406, 494, 420, 380 and 34 of Indian Penal Code and summoning order dated 05.03.2020 passed by Sub Divisional Judicial Magistrate Phillaur, District Jalandhar all subsequent proceedings arising therefrom in view of the compromise dated 21.04.2023 (Annexure P-3).

2. Briefly, the facts of the complaint are that the accused no.1/petitioner No. 1 is the mother of the complainant. He is having one brother and one sister. The whole of the family was living very happily and grandparents of complainant also used to reside in the same house. The father of the complainant is the labourer. The accused no.2/petitioner No. 2- Pawandeep Kumar used to visit the house of the complainant and used to

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known to her, as they both used to work at some Manayari shop at Phillaur. One Harmesh is the maternal uncle of petitioner No. 1 and Manjinder Kaur is the mother of petitioner No. 1. The complainant used to do job for earning his livelihood, out of which for the last five months, he handed over Rs.5000/- per month to his mother-petitioner No. 1, saying her that she is liable to return the said amount as and when demanded by him. As a matter of routine, as and when the complainant came back to his job, he used to hand over his wallet, gold ring of 0.5 tolas to his mother and used to take back the same in the morning while leaving for job. On 14.08.2018, at about 06:30 PM, when the complainant came back from his job, then he handed over his wallet containing Rs.7000/- and certain documents and also handed over his gold ring to petitioner No. 1. At about 10:30 PM, he found that petitioner No. 1 was searching for something in the Almirah belonging to grandfather of complainant. At about 11:30 PM, when he was studying in his room, he heard the voice of opening of the main gate of his house and noticed that a man is standing outside the house. The complainant came outside and was astonished to see that petitioner No. 1 and petitioner No. 2 were going on a motorcycle. He narrated whole of the version to his grandfather Sh. Dev Raj, who got shocked and fell on the earth. He took his grandfather to some local doctor and got him treated. On the next day i.e. 15.08.2018, his grandfather after inspecting his almirah told that his gold karra and gold chain were missing. On the next day, he along with his grandfather went to village Mionwal, Tehsil Phillaur. On reaching there, his grandfather requested petitioner No. 1 to come back to her house, but she flatly refused by saying that she has solemnized marriage with petitioner No. 2. The complainant also requested petitioner No. 1 to return

back his money and gold ornaments of his grandfather, which was stolen by her at the instance of petitioner No. 2, upon which petitioner No. 2 showed up the gold ornaments of Dev Raj while taking out the same from his pocket and said that he was going to market to sell the same. Harmesh Lal and Manjinder Kaur also threatened the complainant with dire consequences. Then grandfather of complainant asked petitioner No. 1 that why she had done all this, whereupon Harmesh Lal pushed Dev Raj due to which he fell on the earth and gave kick blow and threatened that he did not care of anyone. Number of people gathered at the spot but none came forward to help the complainant and his grandfather. Both the petitioners, Harmesh Lal and Manjinder Kaur in connivance with each other have committed an offence of bigamy as petitioner No. 1 has got married with petitioner No. 2 without divorcing her first husband namely Surinder Pal and misappropriation of property of complainant, his grandfather and theft in connivance with each other. Harmesh Lal and Manjinder Kaur also threatened and criminally intimidated the complainant and his grandfather and also caused injuries to his grandfather. Lastly, the complainant prayed for necessary action against the accused. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Phillaur stating that the compromise arrived at between the parties is without any pressure or coercion from any one and

the same is genuine one.

4. Learned State counsel on instructions from the Investigating Officer and learned counsel for respondent No. 2 admitted the factum of compromise and submitted that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256, Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589, Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State of**

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Madhya Pradesh 2021 SCC OnLine SC 834 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052, this petition is allowed and complaint bearing No. 75 of 2018 dated 18.10.2018 titled as *Shubham Raj Vs. Pooja and Others* filed under Sections 406, 494, 420, 380 and 34 of Indian Penal Code and summoning order dated 05.03.2020 passed by Sub Divisional Judicial Magistrate Phillaur, District Jalandhar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

16.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No