

CRM-M-41219-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

259

CRM-M-41219-2024

Date of decision : 14.01.2025

Jagjit Singh and Ors.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. N.S.Sidhu, Advocate for petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Ajay Singh, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Jagjit Singh, Jang Singh, Jarnail Kaur and Darshan Singh have filed instant petition under Section 482 Cr.P.C. for quashing of FIR No.147 dated 15.11.2018, under Sections 498-A, 494, 406, 34 of IPC, registered at Police Station Doraha Police District Khanna, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2024 (Annexure P-2).

2. As per the facts of the case, complainant Mandeep Kaur filed written complaint alleging that her marriage was solemnized with Jagjit Singh on 03.12.2017. After marriage, she lived in the matrimonial home for about six months. During this period, her in-laws did not allow her to talk with her parents nor she was allowed to meet them. Her parents had given sufficient dowry articles as per their capacity consisting of gold ornaments, motorcycle and customary gifts to the in-laws family. Even then, they were unhappy and used to quarrel with her. Her husband told her to ask her father to get a bullet motorcycle. Her mother-in-law

used to find faults in the dowry articles. During her stay in the matrimonial home, she came to know about a lady namely Tanvir Kaur. Ultimately, she enquired from her husband about Tanvir Kaur and it was revealed that Tanvir Kaur was married to elder brother of her husband in the year 2001 and after his death *creva* marriage was solemnized with her husband in March, 2007. They resided as husband and wife but no child was born. Said Tanvir Kaur was already mother of two children. Her husband wanted his own child. Regarding this controversy, quarrel took place. On 30.05.2018 at night time, her husband, father-in-law, mother-in-law gave her beating and on the next day i.e. 31.05.2018, she was left at her parental village. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 27.08.2024, petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Payal dated 11.10.2024. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioners- Jagjit Singh, Jang Singh, Jarnail Kaur and Darshan Singh also confirmed this fact in their joint statement. Statement of ASI Hardam Singh is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Payal, it is clear that compromise has been effected between the parties without any pressure,

coercion or undue influence. They have mutually settled all their claims arisen from matrimonial dispute. They have decided to part ways mutually. They will be able to live in peace and harmony. It will end the litigation started between them. No purpose would be served with the continuation of criminal proceedings.

6. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that ‘there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.’

7. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioners is accepted and FIR No.147 dated 15.11.2018, under Sections 498-A, 494, 406, 34 of IPC, registered at Police Station Doraha Police District Khanna (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners.

8. The present petition accordingly stands accepted.

(AMARJOT BHATTI)
JUDGE

14.01.2025.

Sunil Devi

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