(2012) 07 P&H CK 0263

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-35393 of 2011

Ashok Kumar and Others		APPELLANT
	Vs	
State of Haryana and Another		RESPONDENT

Date of Decision: July 17, 2012

Acts Referred:

- Penal Code, 1860 (IPC) - Section 406, 498A

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Ajay Kumar, for Mr. P.S. Jammu, for the Appellant; Jaspreet Singh, AAG Punjab, for respondent No. 1-State and Mr. S.S. Kainth, Advocate, for the Respondent

Final Decision: Allowed

Judgement

Naresh Kumar Sanghi, J.

This is a petition for quashing of FIR No. 115, dated 08.12.2010, under Sections 406 and 498A, IPC, registered at Police Station, City Budhlada, District Mansa, and all the subsequent proceedings arising therefrom, on the basis of a compromise. Vide order dated 13.02.2012, this Court had directed the affected parties to appear before the learned Chief Judicial Magistrate, Mansa, on 28.2.2012 for getting their statements recorded with regard to the compromise. The said court was also directed to send the detailed report in that regard on or before the date fixed by this Court.

2. In compliance there of, statement of Meenu Rani-complainant and that of her father, Balbir Singh, were recorded. Meenu Rani stated that in view of her future interest and cordial relations, the Panchayat of her village and her relatives had got the compromise effected with the petitioners in the case arising out of FIR No. 115 dated 08.12.2010, under Sections 406 and 498A, IPC, Police Station, Budhlada. The said compromise was effected with the petitioners with her free consent and

without any undue influence or pressure. Therefore, she did not want to proceed with the present case. Her father, Balbir Singh, also made statement on the similar line. The learned Chief Judicial Magistrate, Mansa, also recorded the statements of petitioners Ashok Kumar, Jeeta Singh, Sukhwinder Kaur and Leelawati. They too admitted the factum of compromise. Perusal of the report submitted by the learned Chief Judicial Magistrate, Mansa, reveals that the compromise had been effected between the parties without any coercion or any type of influence and the same was in the interest of both the parties.

3. Mr. S.S. Kainth, Advocate, representing respondent No. 2, has also admitted the factum of compromise. He further admits that respondent No. 2 and her father, Balbir Singh, did appear before the learned Chief Judicial Magistrate, Mansa and got recorded their respective statements with regard to the compromise. He also admits that respondent No. 2 has no objection if the impugned FIR and the consequential proceedings are quashed.

4. Learned counsel for the State, on instructions from SI Sukhwinder Singh of Police Station Budhlada, District Mansa, admits the factum of compromise. He has gone through the status report, sent by learned Chief Judicial Magistrate, Mansa, and after perusing the same, has no objection if the impugned FIR and the consequential proceedings emanating therefrom are quashed. Learned counsel for the petitioners has brought to the notice of this Court that Ashok Kumar-petitioner and Meenu Rani-complainant/respondent No. 2 have obtained a decree of divorce by mutual consent.

5. Heard.

6. This criminal litigation has arisen out of a matrimonial dispute. Due to intervention of relatives and respectable of the society, they have sorted out their differences and effected a compromise. Petitioner-Ashok Kumar and complainant/respondent No. 2-Meenu Rani have obtained a decree of divorce by mutual consent. The pendency of the present FIR and the consequential proceedings emanating therefrom would be a sheer abuse of the process of law since the chances of ultimate conviction of the petitioners are bleak in view of the compromise arrived at between the parties. Keeping in view the factum of compromise and the law laid down by Hon''ble Apex Court in B.S. Joshi and others versus State of Haryana and another, 2003 (2) RCR (Criminal) 888, this petition is allowed and the impugned FIR No. 115, dated 08.12.2010, under Sections 406 and 498A, IPC, registered at Police Station, City Budlada, District Mansa, and the consequential proceedings arising therefrom are hereby quashed.