
(2013) 07 P&H CK 0342

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-15920 of 2013 (O and M)

Ajay Pal Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 25-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 406, 420, 494, 498A

Citation : (2013) 07 P&H CK 0342

Hon'ble Judges : Naresh Kumar Sanghi, J

Bench : Single Bench

Advocate : P.S. Sekhon, for the Appellant; K.S. Pannu, DAG, Punjab and Mr. N.D. Achint, Advocate for Respondent No. 2 in Person, for the Respondent

Final Decision : Allowed

Judgement

Naresh Kumar Sanghi, J.—This is a petition for quashing of FIR No. 278 dated 13.09.2012, under Sections 406, 420, 494, 498-A and 506 read with Section 34, IPC, registered at Police Station, Zirakpur, District S.A.S. Nagar, Mohali, and all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2). Vide order dated 22.05.2013, this Court had directed the affected parties to appear on 30.05.2013 before the learned Sub-Divisional Judicial Magistrate, Dera Bassi, for making their respective statements with regard to the compromise. The said Court was also directed to send its detailed report in that regard along with copies of the statements to this Court on or before the date fixed by this Court.

2. In compliance thereof, the petitioners, namely Ajay Pal Singh, Soma Devi, Surinder Singh, Kuldip Kaur, Saroj and Satpal as well as respondent Nos. 2 and 3, namely, Narsingh Dass Achint and Poonam Achint, did appear before the learned court below and got recorded their respective statements with regard to the compromise. Respondent No. 2 (Narsingh Dass Achint) suffered the following statement:-

I had lodged the above said FIR against accused Ajay Pal Singh son of late S. Ravinder Pal alias Ravinder Bawa, Surinder Ram, son of Ravinder Pal, Soma Devi alias Soma Wati wd/o Ravinder Pal Bawa, all residents of village Akoisahib, Tehsil and District Sangrur, against accused Sat Pal, Smt. Saroj W/o Satpal, Deepa @ Kuldeep Kaur alleged 2nd wife of Ajay Pal Singh D/o Sat Pal, residents of village Daaroki, Tehsil Nabha, District Patiala.

Now, with the intervention of relative and friends, a compromise had been effected and in pursuance of that compromise petitioners, Ajay Pal Singh and others have filed a petition U/s. 482, Cr.P.C. vide No. 123 CRM-M-15920-2013(O & M) and is now pending for 25.07.2013 in the Hon''ble Punjab and Haryana High Court for quashing of the above said FIR and consequential proceedings arising therefrom on the basis of compromise the date fixed in the petition is 25.07.2013. In view of the directions of the Hon''ble Punjab and Haryana High Court dated 22.05.2013 today, I have appeared in this Court to get my statement recorded. I am making the statement voluntarily with my free consent without any pressure or coercion from any side and compromise has been effected between me and accused persons/petitioners is result of voluntary accord and the same is without any kind of pressure, coercion, duress or any other ill motive. I have no objection if appropriate order is passed by Hon''ble Punjab and Haryana High Court with regard to the quashing of above said FIR. Nothing is due towards parties.

Respondent No. 3, Poonam aggrieved person, made the following statement:-

My father had lodged the above said FIR against accused Ajay Pal Singh son of late S. Ravinder Pal alias Ravinder Bawa, Surinder Ram, son of Ravinder Pal, Soma Devi alias Soma Wati Wd/o Ravinder Pal Bawa, all residents of village Akoisahib, Tehsil and District Sangrur, against accused Sat Pal, Smt. Saroj W/o Satpal, Deepa alias Kuldeep Kaur alleged 2nd wife of Ajay Pal Singh D/o Sat Pal, residents of Village Dharoki, Tehsil Nabha, District Patiala.

Now, with the intervention of relative and friends, a compromise has been effected and in pursuance of that compromise, petitioners Ajay Pal Singh and others have filed a petition U/s. 482 Cr.P.C. vide No. 123 CRM-M-15920-2013(O & M) and is now pending for 25.07.2013 in the Hon''ble Punjab and Haryana High Court for quashing of the above said FIR and consequential proceedings arising there from on the basis of compromise the date fixed in the petition is 25.07.2013. In view of the directions of the Hon''ble Punjab and Haryana High Court dated 22.05.2013, today I have appeared in this Court to get my statement recorded. I am making the statement voluntarily with my free consent without any pressure or coercion from any side and compromise has been effected between me and accused persons/petitioners is result of voluntary accord and the same is without any kind of pressure, coercion, duress or any other ill motive. I have no objection if appropriate order is passed by Hon''ble Punjab and Haryana High Court with regard to the quashing of above said FIR. Nothing is due towards parties.

3. The petitioners in their joint statement admitted the factum of compromise.

4. Learned counsel for the petitioners submits that due to intervention of the respectable and the elderly people of the society, the private parties have sorted out their disputes and effected a compromise. He further submits that the offences for which the petitioners have been booked, are of personal nature. He also submits that the conditions laid down in the compromise have been materialized. It has also been contended that the chances of ultimate conviction of the petitioners are bleak, therefore, pendency of FIR and continuation of the trial would be a sheer abuse of the process of law.

5. Learned counsel for the State, on instructions from HC Ramesh Kumar, Police Station, Zirakpur, District S.A.S. Nagar, Mohali, admits the factum of compromise effected between the parties. He, after going through the statements and the status report sent by learned Sub Divisional Judicial Magistrate, Dera Bassi, submits that he has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

6. Mr. N.D. Achint (respondent No. 2) has put in appearance in person and admits the factum of compromise. He also submits that his daughter, Poonam, had effected a compromise with the petitioners. He further submits that he and respondent No. 2 (his daughter) did appear before the court below and got recorded their statements with regard to the compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

7. Heard.

8. The offences for which the petitioners are booked are of personal nature. Both the parties have sorted out their disputes and effected a compromise in a matrimonial dispute. The statements of the petitioners and that of the complainant and the aggrieved person have already been recorded by the learned Sub Divisional Judicial Magistrate, Dera Bassi. The report received from the learned Sub Divisional Judicial Magistrate, Dera Basi, reveals that both the parties voluntarily made the statements with regard to the compromise. Taking into consideration the above facts, the chances of ultimate conviction of the petitioners are bleak, therefore, pendency of FIR and continuation of the trial would be a sheer abuse of the process of law. In view of the factum of compromise and the law laid down by Hon''ble the Supreme Court in B.S. Joshi and Others Vs. State of Haryana and Another, 2012 (4) RCR (Criminal) 543; and Jitendra Raghuvanshi & Ors. vs. Balbir Raghuvanshi & Anr., 2013(2) RCR(Criminal) 427, the present petition is allowed and FIR No. 278 dated 13.09.2012, under Sections 406, 420, 494, 498-A and 506 read with Section 34, IPC, registered at Police Station, Zirakpur, District S.A.S. Nagar, Mohali, and all the consequential proceedings arising therefrom are hereby quashed.