

**CRM No.39051 of 2021 in/and
CRM-M No.11537 of 2021 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.39051 of 2021 in/and
CRM-M No.11537 of 2021 (O&M)
Date of decision:15.12.2021**

Gurmeet Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioners.

Mr. H.S.Sullar, DAG, Punjab.

Mr. Mohd. Yousaf, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.39051 of 2021

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed to today and is ordered to
be taken up on Board for hearing today itself.

CRM No.41879 of 2021

Application is allowed as prayed for.

Judgment and decree dated 12.07.2021 passed on petition
under Section 13-B of Hindu Marriage Act, 1955 are taken on record as
Annexure P-4.

CRM-M No.11537 of 2021

Instant petition has been filed under Section 482 Cr.P.C for quashing of FIR No.11 dated 24.06.2016 registered for offences under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station NRI, District Ludhiana City (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 15.01.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioners No.1 and 2 are the in-laws and petitioner No.3 is the husband of complainant-respondent No.2. He submits that marriage between petitioner No.3 and the complainant was solemnized on 18.02.2015 and there is no issue out of the wedlock. Counsel submits that due to temperamental differences, relation between the parties were strained and the marriage did not work out and FIR (Annexure P-1) was lodged by the complainant-respondent No.2. The respondent also filed a petition under Protection of Women from Domestic Violence Act, 2005 as well as a petition under Section 125 of the Code of Criminal Procedure seeking maintenance from petitioner No.3. He submits that dispute between the parties has been settled by virtue of a panchayati rajinama/compromise dated 15.01.2021 (Annexure P-2) and in compliance of the terms of the compromise, pending litigation has been withdrawn, marriage has been dissolved by a decree for divorce by mutual consent (Annexure P-4) and a sum of Rs.26 lacs has been paid to the complainant-respondent No.2 as permanent alimony. He further submits that the

statements of the parties have been recorded in compliance of the order passed by this Court on 12.03.2021.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as statement made by counsel for the petitioners.

Heard counsel for the parties.

While issuing notice of the petition, this Court by order dated 12.03.2021 directed the parties to appear before the Illaqa Magistrate/Duty Magistrate for recording of their statements and a report regarding the genuineness of the compromise and also as to whether any other person has been nominated as an accused or whether any person has been declared as Proclaimed Offender as well as the stage of the trial, was called for.

Pursuant to the said order, a report has been received, relevant extract of which is as under:-

“3. From the statements made before this Court, this Court is of the considered opinion that the compromise between the parties is genuine and the same has been entered into voluntarily and without any pressure. The statements in original and the documents submitted as Ex.C1 to Ex.C5 are annexed herewith, for your kind perusal.

4. It is further submitted that as per the statement of the IO, FIR was registered against Gurmeet Singh, Kuljit Singh and Jarnail Kaur. Except the aforesaid three persons, no one was

nominated in the present FIR. Report under Section 173 of Cr.P.C., was filed before this Court against Gurmeet Singh on 26.04.2017. The remaining accused persons namely, Kuljit Singh and Jarnail Kaur were residing abroad at that time and notice under Section 105-B Cr.P.C., was sent to them by the concerned SHO at their abroad residence. None of the accused has been declared proclaimed offender in the present case or in any other case. There is no cross case in the present FIR.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146**, Supreme Court has held that Section 320, Cr.P.C is not an embargo against invoking inherent powers by the High Court under Section 482, Cr.P.C.

From the factual matrix noticed above, it is apparent that the dispute between the parties is on account of marital discord and the parties have decided to bury the hatchet by voluntarily entering into a compromise.

Counsel for the parties are also *ad idem* that in view of the settlement of the dispute between the parties, the present petition deserves

to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.11 dated 24.06.2016 registered for offences under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station NRI, District Ludhiana City (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

December 15, 2021
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>