

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

223

CRM-M-38340-2021

Date of decision:15.11.2021

Tejwant Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sumeetpal Singh Sidhu, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Yuv Raj Saini, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.226 dated 30.09.2019 under Sections 406 and 498-A IPC, 1860, registered at Police Station Beas, District Amritsar Rural, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 24.08.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that petitioners No.1 and 2 are the in-laws and petitioner No.3 is the husband of complainant/respondent No.2 and the FIR, Annexure P-1, is a fall out of the estrangement between the couple, which has been settled by virtue of compromise, Annexure P-2. He submits that the marriage between petitioner No.3 and complainant/respondent No.2 has been dissolved by

virtue of decree of divorce passed by the Family Court, Baba Bakala Sahib on 10.08.2021 by way of a mutual consent. A copy thereof is taken on record as Mark 'A'. Still further, he submits that permanent alimony of Rs.9.5 lacs has been paid to the complainant/respondent No.2. These facts have been verified by the counsel for the complainant/respondent No.2.

Heard.

Vide order dated 16.09.2021, this Court directed the parties to appear before the trial court/Illaq Magistrate and get their statements recorded in support of the compromise and the trial court/Illaq Magistrate was directed to send a report regarding the genuineness of the compromise and also as to whether PO proceedings are pending against any of the parties. Report in compliance of the said order has been received and its relevant extract is reproduced hereunder:-

“After considering statements of parties and Investigation Officer, the undersigned is of the opinion that said compromise has been entered into in between the complainant and all the three accused voluntarily, out of their own free will and without any pressure or coercion and the same appears to be genuine. The FIR has been registered against three accused namely Tejwant Singh, Palwinder Kaur and Navdeep Singh and they have not been arrested and accordingly not released on bail in present FIR. All of them appeared in court to get their statement recorded. As per the statement of complainant and accused, and their affidavit, and statement of I.O., no other proceeding/P.O. proceedings are pending against any of the parties and they have not been declared P.O.”

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. A Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

From the factual position as noticed above, it is clear that the dispute between the parties is on account of a marital discord, which has been settled, parties have divorced each other and a report has been received from the trial court verifying the genuineness of the compromise. Counsel for the parties are also ad idem that in view of the settlement 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.226 dated 30.09.2019 under Sections 406 and 498-A IPC, 1860, registered at Police Station Beas, District Amritsar Rural, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

15.11.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No