

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

112

CRM-M-53151-2019 (O&M)

Date of Decision: 22.03.2021

Amreen Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-7977-2021

Prayer made in the application is for placing on record statements
of the parties dated 21.09.2020 and decree of divorce dated 15.10.2020, in
compliance of the order dated 05.03.2021 as Annexures P-4 and P-5
respectively.

For the reasons given in the application, it is allowed.
Statements of the parties dated 21.09.2020 and decree of divorce dated
15.10.2020 are taken on record as Annexures P-4 and P-5 respectively.

CRM-7657-2021

Prayer made in the application is for preponement of the hearing of the
main petition, which is fixed for 12.07.2021.

Notice of the application.

On asking of the Court, Mr. A.S.Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-respondent No.1 and Mr. Vaibhav Narang, Advocate has put in appearance and accepts notice on behalf of respondent No.2. They submit that they have no objection to the advancement of the date of hearing.

For the reasons given in the application, it is allowed and hearing of the main case is preponed to today and the petition is taken up on Board today itself.

CRM-M-53151-2019

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 seeking quashing of FIR No.45 dated 14.06.2018 under Sections 406 and 498-A of Indian Penal Code, 1860, registered at Police Station 'Women PS' Amritsar (Annexure P-2), along with all subsequent proceedings arising therefrom, on the basis of compromise dated 21.10.2019 (Annexure P-3), arrived at between the parties.

Counsel for the petitioner has referred to the order dated 05.03.2021 passed by this Court, wherein it has been observed as under:-

“Prayer in this petition is for quashing the FIR No.45 dated 16.06.2018 under Sections 406 and 498-A IPC, 1860, registered at Police Station ‘Women PS’, Amritsar, Annexure P-2, along with all consequential proceedings arising therefrom, on the basis of compromise, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that the FIR is an outcome of marital discord between petitioner's

brother-in-law, Varinderjit Singh, with his wife-complainant-respondent No.2, which has now been settled by virtue of compromise, Annexure P-3. She submits that the marriage between the parties has been dissolved and a decree for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, has been passed on 15.10.2020. Still further, she submits that respondent No.2 has been paid the entire alimony and all dowry articles have been returned to her. She has referred to Para 5 of the petition to submit that the petitioner has not been declared as Proclaimed Offender.

Report of the Trial Court has been received in compliance of order dated 13.12.2019. Statements of both the parties have been recorded on 30.01.2020, which shows that balance amount of Rs.13 lacs is to be paid to the complainant.

Let the copy of decree of divorce and proof of payment of balance amount be placed on the record.

List on 12.07.2021.”

Counsel for the petitioner has referred to the statements, Annexure P-4, of the complainant/respondent No.2 recorded before the Family Court, Amritsar, at the time of second motion in petition under Section 13-B of the Hindu Marriage Act, 1955. The relevant extract thereof is as under:-

“All the claims of permanent maintenance and permanent alimony regarding past, present and future of petitioner no.2 have been amicably settled to the tune of Rs.22,40,000/-, out of which Rs.9,40,000/- has been paid at the time of first motion statement by the petitioner no.1 to petitioner no.2 and today the remaining amount

of Rs.13,00,000/- have been received by petitioner no.2 from petitioner no.1 by way of two demand drafts bearing no.184892 dated 10.09.2020 amounting to Rs.6,50,000/- drawn on Punjab & Sind Bank, branch Sharifpura, Amritsar and bearing no.118592 dated 10.09.2020 amounting to Rs.6,50,000/- drawn on Canara Bank Lawrence Road, Amritsar, copies of which are Ex.P1 and Ex.P2. I have already received gold ornaments from the petitioner no.1 at the time of recording of statement of first motion. Now, nothing has been left due or pending towards each other. Both the petitioners have withdrawn their respective cases filed by them against each other. I undertake to cooperate in the quashing proceedings of FIR no.45 of 2018 U/S 406, 498-A IPC, P.S. Women Cell, Amritsar in which the statement of both the parties have been recorded. Both the parties shall never file any civil, criminal or complaint case against each other or against their family members in future in any Court of law. I shall be bound by the terms and conditions of the petition. We have not consummated our marriage during the statutory period of six months. A decree of divorce be passed and our marriage may kindly be dissolved.”

Vide order dated 13.12.2019, this Court directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the authenticity and genuineness of the compromise and a report was called for from the trial Court.

After recording the statements of the accused-petitioner and complainant-respondent, the Judicial Magistrate 1st Class, Amritsar has

submitted the report, relevant extract of which is as under:-

“1. There are two other accused namely Varinderjit Singh and Manjit Singh arrayed in the FIR except petitioner Amreen Kaur as per the statement of Investigating Officer.

2. As per statement of IO, there is no other affected or aggrieved party other than the respondent in the present FIR.”

After recording the statements of the accused-petitioner and complainant-respondent No.2, the Judicial Magistrate Ist Class, Amritsar, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused-petitioner has not been declared as Proclaimed Offender.

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. The 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 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

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.45 dated 14.06.2018 under Sections 406 and 498-A of Indian Penal Code, 1860, registered at Police Station 'Women PS' Amritsar (Annexure P-2), alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 21.10.2019 (Annexure P-3), are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

22.03.2021
Pardeep

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