

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

239

CRM-M-569-2020

Date of decision:22.07.2022

Amrinder Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.B.S. Randhawa, Advocate for the petitioner.

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

Mr. Rahul Kumar Prashar, Advocate for
Mr. Karandeep Singh, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.215 dated 13.10.2016 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Civil Lines Batala, Police District Batala, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 10.12.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant/respondent No.2 on 13.08.2015 and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties could not adjust with each other and have been living separately since January, 2018. According to the

counsel, matrimonial dispute has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by mutual consent vide judgment and decree of divorce dated 10.12.2019, which is taken on record and the entire permanent alimony of Rs.4 lac has been paid.

Upon instructions, State counsel submits that prosecution evidence is underway.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 09.01.2020, this Court directed the parties to appear before the Trial Court/Illaq Magistrate and to get their statements recorded in support of the compromise and a report was called for regarding the genuineness of the compromise and also as to whether P.O. proceedings are pending against any of the parties.

Report has been received and its relevant extract is reproduced as under:-

- “i. It is submitted that the present FIR was registered against one accused namely Amrinder Singh on the statement of complainant Kulwinder Kaur.*
- ii. In view of the statements got recorded by both the parties before the Court of Sh. Bikramdeep Singh, Ld. Duty Magistrate, Batala, the court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.*
- iii. It is further submitted that as per statement of ASI Jatinderpal Singh No.3266/BTL, P.S. Civil Lines, Batala, neither proclamation proceedings are pending against the parties nor they have been declared as proclaimed person/offender in this case.”*

It is evident that FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been settled and marriage has been dissolved. In view of this background, report of the trial court and judgments of the Supreme Court in *Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582*; *B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Narinder Singh Versus State of Punjab (2014) 6 SCC 466*, this Court has no hesitation in setting aside the criminal proceedings.

Accordingly, petition is allowed. FIR No.215 dated 13.10.2016 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Civil Lines Batala, Police District Batala, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

22.07.2022
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(SUVIR SEHGAL)
JUDGE

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