

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

127+278

CRM-M-1552 of 2022 (O&M)

Date of decision:14.09.2022

Mohit Sethi and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioners.

Mr. Vipin Pal Yadav, Addl.A.G.Punjab.

Mr. Saksham Malhotra, Advocate for
Mr. Deepak Arora, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.34213 of 2022

Application is allowed as prayed for.

Judgment and decree dated 10.03.2022 passed under Section
13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-11.

CRM-M-1552 of 2022

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.0363 dated 03.10.2018 registered under
Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Zirakpur,

District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 16.12.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the mother-in-law and petitioner No.3 is the brother-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 05.02.2018 and there is no issue out of the wedlock. He submits that as a result of marital discord, FIR (Annexure P-1) was registered by the complainant-respondent No.2, which has been settled by compromise, (Annexure P-2). Counsel submits that in terms of the settlement, entire permanent alimony of Rs.12.00 lacs has been paid and the marriage has been dissolved by judgment and decree, Annexure P-11.

Upon instructions from ASI Rajesh Kumar, State counsel submits that trial is underway but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 01.02.2022, this Court directed the parties as well as Investigating Officer to appear before the Illaqa Magistrate/Trial Court for getting their statements recorded and a report was called for on the following aspects:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report has been received from the Trial Court and its relevant extract is as under:-

- “1. As per record, only three accused persons namely 1) Mohit Sethi 2) Rajni Sethi 3) Sahil Sethi are named in the present FIR. All of them have appeared before the Court and recorded their statement as to compromise. None of the accused is absconding/proclaimed offender in this case.*
- 2. The present FIR was got registered by the complainant Twinkle Sethi, who appeared before the Court and got recorded her statement regarding compromise. No other complainant and injured/aggrieved or accused are involved in the present FIR except the above named persons.*
- 3. The case is at the stage of prosecution evidence.*

4. As per the statements recorded by the parties, this Court is of considered opinion that the compromise effected between the parties is genuine, valid, voluntary and without any coercion or undue influence.
5. As per record of the judicial file, no other criminal proceedings is pending against the accused persons as stated above.”

It is evident from the above that FIR (Annexure P-1) has emanated from a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above developments, report of the Trial Court and judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that continuation of the criminal proceedings would be an exercise in futility.

Accordingly, the petition is allowed. FIR No.0363 dated 03.10.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

September 14, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes