

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-4509-2022

Date of decision: 04.04.2022

Balram and others

... Petitioners

Vs.

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vipul Sherwal, Advocate for
Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

Mr. Kunal Muthreja, Advocate for
Mr. Umesh Aggarwal, Advocate for respondent No.2.

SUVIR SEHGAL J.(ORAL)

On 03.02.2022, this Court passed the following order:-

“Heard through video conferencing.

*Prayer in this petition is for quashing
of FIR No.29 dated 08.04.2021 under
Sections 406 and 498-A of IPC, 1860,
registered at Police Station Women, Amritsar,
Annexure P-1, along with all consequential
proceedings arising therefrom, on the basis
of compromise deed dated 21.12.2021,
Annexure P-2, arrived at between the parties.*

Counsel for the petitioners submits

that FIR was registered as a result of a marital discord, but better sense has prevailed and parties have reconciled their differences by virtue of compromise deed, Annexure P-2, and are cohabiting together under one roof.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by him from ASI Inderjit Singh, the matter is under investigation. Mr. Umesh Aggarwal, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as the submission made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 04.03.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 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 of Illaqa Magistrate/trial Court be awaited for 04.04.2022.”

Report has been received from the trial Court in compliance of the above reproduced order. Relevant extract of the report is as under:-

“1. I have the honour to submit that in compliance of order dated 3-2-2022, passed by Hon'ble High Court in CRM-M-4509-2022, statement of complainant namely Preeti has been recorded in FIR No.29 dated 8-4-2021 P.S. Women, Amritsar. As per her statement, she has effected the compromise with the accused voluntarily and without any misrepresentation, threat, coercion or duress. She has also placed before court copy of his adhar card as Mark-A.

2. Accused Balram, Jaipal and Bharti have also got recorded their statement and they also stated that with the intervention of respectables, compromise has been effected and that parties have decided to enter into same without any misrepresentation, undue influence or threat. They undertook to remain bound by their statements. As a mark of identity, Balram, Jaipal and Bharti had placed on record copy of their

adhar card as Mark-B to Mark-D.

3. *Statement of investigating officer ASI/IO Inderjit Singh 352/ASR (C), presently posted at PS Women-II, Amritsar has also been recorded to the effect that FIR was registered by Preeti complainant against accused Balram, Jaipal and Bharti and there is only one victim namely Preeti and three accused persons namely Balram, Jaipal and Bharti involved in present FIR or occurrence. He further stated that except this accused no other accused is involved in present FIR and that no person has been declared as proclaimed person in the present FIR. He also submitted that challan in the present case against aforesaid accused person has not been presented till date and except present FIR, accused is not involved in any other case and except present FIR, there is no other litigation pending between the parties.*

4. *From the statement of complainant Preeti and Balram, Jaipal and Bharti so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.”*

FIR, Annexure P-1 is a result of matrimonial dispute which has been resolved and the parties are staying together.

In view of the above development as well as the judgment of the Supreme Court in ***Narinder Singh Versus State of Punjab*** (2014) 6 SCC 466 and ***Ramgopal and another Versus The State of Madhya Pradesh*** 2021(4) RCR (Criminal) 322, this Court is of the view that continuation of the

criminal proceedings would be a futile exercise rather quashing them would enable the parties to live in harmony and lead a peaceful life.

Accordingly, the petition is allowed. FIR No.29 dated 08.04.2021 registered under Sections 406 and 498-A of IPC, 1860, at Police Station Women, Amritsar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

04.04.2022
pooja saini

(SUVIR SEHGAL)
JUDGE

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