

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124+270)

CRM-M-2564-2022 (O&M)
Date of Decision:- 16.09.2022

Malkit Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Vishal Sharma, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-32617-2022

Application is allowed as prayed for.

Judgment and decree dated 15.07.2022 passed under Section
13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

Main case

On 02.02.2022, this Court passed the following order:-

“Heard through video conferencing.

*Prayer in this petition is for quashing of FIR
No.30 dated 23.03.2021 under Section 498-A of IPC, 1860,
registered at Police Station Sadar Banga, District SBS
Nagar, Nawanshahr, Annexure P-1, along with all
consequential proceedings arising therefrom, on the basis of
compromise/Panchayati Divorce dated 13.12.2021,
Annexure P-2, arrived at between the parties.*

*Counsel for the petitioner submits that the
marriage of the petitioner was solemnized with
complainant/respondent No.2 on 31.01.2016 and a daughter*

was born out of the wedlock in January, 2018. However, the parties could not adjust with each other and started residing separately. Counsel submits that FIR, Annexure P-1, was registered by the complainant/respondent No.2 due to estrangement and the dispute between the parties has been settled by virtue of compromise, Annexure P-2. He has instructions to state that in terms of the compromise, a petition seeking divorce by mutual consent has been instituted under Section 13-B of the Hindu Marriage Act, 1955, wherein, the first motion has been recorded and the second motion is to be recorded on 15.07.2022. He submits that in terms of the compromise, all the articles have been returned back to the complainant/respondent No.2 and she has been paid a sum of Rs.2 lacs by way of permanent alimony.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by him from SI Avtar Singh, he submits that the petitioner, who is on bail, is the sole accused and challan against him has been presented on 23.08.2021, charge has been framed on 11.11.2021, though the prosecution evidence is yet to start. Mr. Vishal Sharma, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 25.04.2022 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 26.07.2022.”

By referring to the judgment and decree, Annexure P-4, counsel for the petitioner submits that marriage has been dissolved.

Upon instructions received from ASI, Pal, State counsel submits that prosecution evidence is underway.

Counsel representing complainant-respondent No.2 submits that the complainant stands by the compromise.

Heard counsel for the parties.

Report has been received pursuant to the above reproduced order and its relevant extract is as under:-

“(i) As per the record available on the judicial file, accused namely Malkit Singh (i.e. the petitioner before the Hon'ble High Court) has been arraigned as accused. Accused Malkit Singh appeared before the Court and suffered his statement regarding compromise. However, no accused has been declared as proclaimed offender in this case.

(ii) The complainant/victim Meena Rani of this case has appeared before the Court and suffered her statement regarding compromise effected with the accused Malkit Sing.

(iii) The case is fixed for recording statements of prosecution witnesses.

(iv) The compromise appears to be genuine, voluntary and out of free will of the parties.

(v) A perusal of the judicial file reveals that no other criminal case is pending against the accused except the present case bearing FIR No.0030 dated 23.03.2021, under Section 498-A of IPC, P.S. Sadar Banga, District SBS Nagar.”

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Considering the above development, report of the Trial Court and the judgments of Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court is of the view that prolonging the criminal proceedings would increase the agony of the parties, moreover, the dispute being purely personal in nature, does not have any impact on the society.

Accordingly, the petition is allowed. FIR No.0030 dated 23.03.2021, registered for offence under Section 498-A of the Indian Penal Code, 1860, at Police Station Sadar Banga, District SBS Nagar, Nawanshahr, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

16.09.2022

Kamal

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