

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(303)

CRM-M-1376-2022 (O&M)-
Date of Decision:- 05.12.2022

Amrik Singh and another

...Petitioners

VERSUS

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lakhwinder Singh Lakhanpal, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab for State-respondent No.1.

Mr. Amritpal S. Sohal, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-43461-2022

Application is allowed as prayed for.

Judgment and decree dated 18.08.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-3.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.74 dated 27.07.2019, registered for offences under Sections 354, 354-A and 109 of the Indian Penal Code, 1860, at Police Station Kalanaur, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 15.12.2021 executed by the complainant-respondent No.2, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of complainant-respondent No.2. He submits that FIR, Annexure P-1, which has emanated from a matrimonial dispute, has been settled by virtue of a compromise, which is reflected in affidavit, Annexure P-2, and marriage has been dissolved by mutual consent vide judgment, Annexure P-3. Counsel submits that the entire permanent alimony of Rs.5 lacs has been paid and custody of both the children is with complainant-respondent No.2.

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

Counsel representing 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 31.05.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“1. In reference to question No.1, it is humbly submitted that from the statement of Investigation Officer, there are two accused in present case and none of accused were declared P.O.

2. In reference to question No.2, it is humbly submitted that as (per) statement of Investigation Officer, Kuljeet Kaur is the only complainant/injured/aggrieved in the present case and she has made her statement before this Court in support of the compromise.

3. In reference to question No.3, it is humbly submitted that as (per) statement of Investigation Officer, Challan has been presented before the Ld. Court in present FIR and now case was pending for prosecution evidence.

4. *In reference to question No.4, it is humbly submitted that from the statement of parties, it appears that compromise is genuine and effected without any pressure, coercion and undue influence.*

5. *In reference to question No.5, it is humbly submitted that as per the statement of petitioners/accused present in the Court, no other criminal proceedings are pending against the present petitioners/accused persons.”*

As FIR, Annexure P-1, is a outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved, this Court is of the view that keeping the criminal proceedings alive will not serve any purpose.

Keeping in view the above developments, report of the Trial Court and the judgments of Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.74 dated 27.07.2019, registered for offences under Sections 354, 354-A and 109 of the Indian Penal Code, 1860, at Police Station Kalanaur, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

05.12.2022

Kamal

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