

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

135

CRM-M-2387-2021 (O & M)

Date of decision:20.12.2022

Rajinder Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Bhavna Kapur, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Naamparkash Singh Sandhu, Advocate for
Ms. Aditi Arora, Advocate for complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-48805-2022

For the reasons given in the application, it is allowed.

Date of hearing of the main case is preponed from 09.01.2023
to today and is ordered to be taken on Board.

CRM-49707-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 14.03.2022 passed
under Section 13-B of the Hindu Marriage Act, 1955, are taken on record
as Annexure P-5.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.66 dated 26.03.2018 under Sections 376-B and 377
of IPC, 1860, registered at Police Station City Kapurthala, District
Kapurthala, Annexure P-1, alongwith all subsequent proceedings arising
therefrom, on the basis of compromise dated 19.10.2020, Annexure P-2.

Counsel for the petitioner submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute. She submits that the petitioner was married to complainant/respondent No.2 on 23.05.2014 at Jalandhar and it was a second marriage of the parties. She submits that there is no issue out of the wedlock, though both of them had children from their first marriage. She submits that the dispute has been settled by agreement of compromise, Annexure P-2, entire permanent alimony of Rs.25 lacs has been paid and marriage has been dissolved by judgment and decree, Annexure P-5. She has also made a reference to the investigation report dated 21.03.2019, Annexure P-4, to submit that during investigation, it has been found that the petitioner is innocent, but no action has been taken thereon.

Upon instructions from ASI Dalbir Singh, State counsel submits that *challan* has not been presented.

Counsel for complainant/respondent No.2 has admitted the factum of compromise as well as the receipt of entire amount of permanent alimony.

Heard counsel for the parties.

Vide order dated 10.01.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded with regard to the compromise and a report was called for, which has been received and its relevant extract is as under:-

“a) The name of the complainant is Priya Kumar and accused is Rajinder Kumar who has been arrayed in the FIR. Both the parties have appeared i.e. Complainant Priya Kumar in person and accused Rajinder Kumar through video conferencing and made their respective statements in support of the compromise so effected between them.

b) As per statement of Investigating Officer accused has not been declared as proclaimed offender in this case.

c) As per statement of Investigating Officer the case is under Investigation at this stage.

d) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.”

From the factual matrix noticed above, it is apparent that the FIR is a result of a marital discord. The dispute between the parties has been amicably settled and parties have decided to bury the hatchet and lead independent and peaceful lives. In view of the above developments, report of the trial court and the judgments of the 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 exercising its inherent powers under Section 482 of Cr.P.C. and quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.66 dated 26.03.2018 under Sections 376-B and 377 of IPC, 1860, registered at Police Station City Kapurthala, District Kapurthala, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

20.12.2022

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(SUVIR SEHGAL)
JUDGE

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