

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

122+271

CRM-M-7479 of 2022 (O&M)

Date of decision:25.08.2022

Amandeep Chopra and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Gupta, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Karan Bansal, Advocate for
Mr. Achin Gupta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.25520 of 2022

Application is allowed as prayed for.

Judgment and decree dated 07.07.2022 passed under Section 13-B of Hindu Marriage Act, 1955 are taken on record as Annexures R-1 and R-2, respectively.

CRM-M-7479 of 2022

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.129 dated 23.06.2017 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station City Faridkot,

District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, on basis of panchayati compromise dated 06.01.2022 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 08.02.2015 at Faridkot and a daughter was born out of the wedlock. As per the counsel, parties could not adjust with each other and have been living separately since May, 2016. He submits that matrimonial dispute has been settled by compromise (Annexure P-2), marriage has been dissolved vide judgment and decree, Annexures R-1 and R-2 and entire permanent alimony of Rs.4.00 lacs has been paid. Still further, he submits that custody of the minor daughter is with the complainant-respondent No.2.

Upon instructions, State counsel submits that trial is underway.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 23.05.2022, this Court directed the parties as well as Investigating Officer to appear before the Area Magistrate/Trial Court for recording of their statements in support of the compromise and a report was called for, which has been received and its relevant extract is as under:-

“i. 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.

Since challan had been already filed in the case at hand, the police report was also examined. It transpired on the examination of the entire record as well as from the statement of investigating officer that the FIR had been registered against petitioners Amandeep Chopra, Ram Pal Chopra and Rama Rani only, they being petitioners No.1 to 3, and even the challan had been filed only against petitioners No.1 to 3. All the accused are appearing in the proceedings and had appeared for getting their statements recorded and none of the accused is absconding or had been declared a proclaimed offender in the present case.

ii) The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise.

The name of the complainant is Priya Kakkar, respondent No.2 and she is also the sole aggrieved. She had appeared and made her statement in support of the compromise.

iii) The stage of trial/proceedings.

After the filing of challan (police report), charge against the accused had been already framed and the case is presently

fixed for prosecution evidence.

iv) If the compromise is genuine, voluntary and out of free will of the parties.

Through their respective statements, the petitioners (accused) as well as respondent No.2 (complainant) stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. Complainant/respondent No.2 stated in specific terms that she had no objection if the quashing proceedings filed by the petitioners is accepted. Both the parties were identified by their respective advocates. Therefore, from the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and out of their free will.

v) Whether any other criminal case is pending against the accused.

On this count, it was stated by the investigating officer, ASI Harjinder Kaur, in her statement that according to her knowledge no other proceedings were pending against the accused/petitioners. Similarly it was also collectively stated by all the accused/petitioners in their statements that apart from the present case no other criminal case against them was pending.”

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 development, report of the Trial Court and judgments of the Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** 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 of the criminal proceedings would increase the agony of the parties, rather setting them aside would enable them to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.129 dated 23.06.2017 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station City Faridkot, District Faridkot (Annexure P-1) along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

August 25, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes