

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278

CRM-M-2924 of 2021
Date of decision:20.09.2022

Gulshan Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raju Arora, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl.A.G., Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.180 dated 29.06.2017 registered for offences under Sections 498-A, 406, 506 of Indian Penal Code, 1860, at Police Station City Khanna, District Ludhiana (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed-cum-undertaking dated 11.01.2021 (Annexure P-2).

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 08.02.2012 at Khanna, District Ludhiana and there is no issue out of the wedlock. He submits that it was the second marriage of both the parties.

Counsel submits that due to temperamental differences, parties could not adjust with each other and have been staying separately since February, 2017. He submits that FIR, Annexure P-1, is fallout of a matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2). Counsel submits that in terms of the settlement, marriage ended in divorce by mutual consent, vide judgment and decree dated 09.04.2021 (Annexure P-5) and entire permanent alimony has been paid.

Upon instructions received from ASI Umesh, State counsel submits that the trial is underway and some prosecution witnesses have been examined.

Mr. Yashwinder Singh, Advocate has put in appearance on behalf of the complainant-respondent No.2 and has filed 'Vakalatnama', which is taken on record. At the outset, he submits that entire permanent alimony of Rs.1.10 lacs has been received by the complainant-respondent No.2. He has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 22.01.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements with regard to the authenticity of the compromise and as to whether compromise has been arrived at without any pressure or coercion. Report was also sought as to whether any other person is involved in the matter, whose consent is required.

Report has been received and its relevant extract is as under:-

“(i) Whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed, can be so quashed?”

It is hereby submitted that on the perusal of the challan, there is no other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required.

(ii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

It is hereby submitted that statements were recorded in which the complainant, Meenu Sharma and the accused namely Gulshan Kumar, expressed themselves having reached a compromise and also placed on record the photocopy of said compromise as Mark C. As such, the said compromise ex facie seems to be genuine, voluntary and without any pressure, threat, coercion or undue influence.”

Although no reply has been filed by the State, but it is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled and marriage has been dissolved.

In view of the above development, report of the Trial Court and the judgments of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another**

(2017) 9 SCC 641 and B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888, this Court is of the opinion that continuation of criminal proceedings will not serve any purpose.

Accordingly, the petition is allowed. FIR No.180 dated 29.06.2017 registered for offences under Sections 498-A, 406, 506 of Indian Penal Code, 1860, at Police Station City Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 20, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes