

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

289

CRM-M-2977-2022

Date of decision:29.10.2022

Sarmukh Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioners.

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

Mr. Harjinder Singh, Advocate and
Mr. A.S. Khinda, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 19.05.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.37 dated 15.03.2016, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 11.03.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No. 2 and 3 are the in-laws of complainant-respondent No.2. He submits that marriage of the petitioner No.1 and complainant-respondent No.2 was solemnized on 15.12.2012 at Ludhiana and a male child was born out of the wedlock. He submits that due to temperamental differences, the parties could not pull along, all attempts made at reconciliation failed and FIR, Annexure P-1, is an offshoot of a marital discord between them. He submits that all the disputes have been settled by compromise, Annexure P-2, marriage has been dissolved by decree dated 27.08.2020, Annexure P-3 and

permanent alimony of Rs.8.50 Lakhs has been paid. Still further by referring to the terms of the compromise, counsel submits that the custody of the minor child is to remain with complainant-respondent No.2.

Upon instructions received from ASI, Sukhdev Singh, State counsel submits that after the presentation of the final report, charge has been framed, but no prosecution evidence has been lead.

Mr. Harjinder Singh, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama, which is taken on record. He has admitted the factum of compromise and does not dispute the statement of counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 27.07.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 the Area Magistrate/Trial Court be awaited for 13.10.2022.”

Report has been received in deference to the above reproduced order

and its relevant extract is as under:-

“1. It is respectfully submitted that as per record there are three accused namely Sarmukh Singh, Jagtar Singh & Surinder Kaur in the present FIR No.37 dated 15.03.2016 under Section-406 & 498-A of IPC, P.S Women Cell, Ludhiana and all the accused appeared before the court and suffered statement qua compromise and as per statement of Investigating Officer, no accused has been declared proclaimed offender as per record.

2. It is respectfully submitted that as per statement of IO and record, there is only one complainant namely Rajdeep Kaur who appeared before the court and suffered statement qua compromise.

3. It is respectfully submitted that Challan has already been presented before the court and case was pending for prosecution evidence.

4. In view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter and out of free will of parties.

5. It is submitted that as per the statement of Investigating Officer, no other criminal case is pending against the accused persons in Police Station, Women Cell, Ludhiana.”

It is evident that FIR, Annexure P-1, is a fallout of 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 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 is of the view that keeping the criminal proceedings alive would not serve any purpose rather it would increase the agony of the parties.

Accordingly, petition is allowed. FIR No.37 dated 15.03.2016, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

29.10.2022
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(SUVIR SEHGAL)
JUDGE

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