

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117+264

CRM-M-4609 of 2021 (O&M)
Date of decision:08.09.2022

Jaspreet Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

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

Mr. S.S.Nagra, Advocate for
Mr. Vipul Sachdeva, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.31192 of 2022

Application is allowed as prayed for.

Judgment and decree dated 18.08.2021 passed under Section
13-B of Hindu Marriage Act is taken on record as Annexure A-1.

CRM-M-4609 of 2021

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.310 dated 08.12.2020 registered under Sections
406, 498-A, 312, 313, 315, 34 of Indian Penal Code, 1860 at Police Station
Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1), on the basis
of compromise deed dated 18.01.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 14.02.2019 and there is no issue out of the wedlock. Counsel submits that parties could not adjust with each other and due to temperamental differences, marriage broke down irretrievable. He submits that parties have been living apart since July, 2019 and FIR (Annexure P-1) is a fallout of marital discord. Counsel submits that matrimonial dispute has been settled by compromise, Annexure P-2 and in terms thereof, marriage has been dissolved by judgment and decree, Annexure A-1 and the entire permanent alimony of Rs.6.25 lacs has been paid.

Upon instructions from ASI Binder Pal , State counsel submits that matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and receipt of entire permanent alimony.

Heard counsel for the parties.

Vide order dated 05.04.2021, this Court directed the parties to appear before the Illaqa Magistrate/Trial Court for getting their statements recorded and a report was called for on the following points:-

- 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 has been received from the Trial Court and its relevant extract is as under:-

- “1. There are three numbers of persons arraigned in the FIR as accused namely Jaspreet Singh, Teja Singh and Sukhjeet Kaur. As per record and statement of investigating officer, none of accused is absconding or declared as proclaimed offender in the case;*
- 2. The name of the complainant is Navjot Kaur and there is only one complainant/aggrieved person in the present FIR. Complainant has appeared and made her statement in support of the compromise;*
- 3. The FIR is still under investigation and challan has not yet been presented;*
- 4. The compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence; and*

5. *As per the statement of Investigating Officer, the accused persons are not involved in any other FIR. ”*

It is evident from the above that FIR (Annexure P-1) is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above developments, report of the Trial Court and judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose, rather setting them aside would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.310 dated 08.12.2020 registered under Sections 406, 498-A, 312, 313, 315, 34 of Indian Penal Code, 1860 at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) is quashed qua the petitioners.

September 08, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes