

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

239+117

CRM-M-3422-2020 (O & M)

Date of decision:07.05.2022

Max Bhatia and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jasraj Singh, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Neeraj Januha, Advocate for
Mr. Sandeep Gors, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-14032-2022

Allowed as prayed for.

Judgment and decree dated 15.01.2021 passed under Section 13-B of the Hindu Marriage Act, 1955, is 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.31 dated 21.09.2019 under Section 498-A of IPC, 1860, (Section 406 of IPC has been added vide DDR No.21 dated 09.10.2019), registered at Women Police Station, District Amritsar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise, Annexure P-3.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are in-laws of the

complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 26.11.2017 at Amritsar and there is no issue out of the wedlock. He submits that due to temperamental differences and variance in the nature of the parties, they could not adjust with each other and have been living separately since May, 2018. Counsel submits that with the intervention of the respectables and members of the family, the marital dispute between the parties has been settled by virtue of compromise, Annexure P-3, a sum of Rs.9 lakh has been paid by way of permanent alimony and marriage has been dissolved by judgment and decree, Annexure P-5.

Upon instructions from ASI Parminder Singh, State counsel submits that matter is under investigation and none of the three accused-petitioners have been declared as Proclaimed Offender.

Counsel for the complainant/respondent No.2 has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 27.01.2020, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded and a report was called for on the following counts:-

- “i) The number of accused arrayed in the FIR, how many have appeared before it, have made statements and whether any accused is absconding/P.O. in the case;*
- ii) The name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise is genuine, voluntarily and out of free will of the parties.”*

Report has been received from the Trial Court and its relevant

extract is reproduced as under:-

“1. There are three accused arrayed in the FIR as per the statement of Investigating Officer, all of them have appeared before the court and made their statements before the court. As per statement of IO, no accused has been declared as proclaimed offender.

2. As per statement of IO, there is only one complainant and aggrieved namely Nancy Mehra and she had gave (sic given) her statement in regard to her compromise.

3. Challan has not been presented in the present FIR.

4. Compromise is genuine, voluntary and out of the free will of the parties.”

FIR, Annexure P-1, is a fallout of a matrimonial dispute, which

has been settled and marriage has been dissolved. In view of the above backdrop and the judgments of the Supreme Court in ***Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582; Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no reservation in setting aside the criminal proceedings.

Accordingly, petition is allowed. FIR No.31 dated 21.09.2019 under Section 498-A of IPC, 1860, wherein, Section 406 of IPC has been added subsequently, registered at Women Police Station, District Amritsar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

07.05.2022

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(SUVIR SEHGAL)
JUDGE

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