

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRM-M-4259 of 2022
Date of decision:04.05.2022

Sher Partap Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Rangi, Advocate and
Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Pritam Singh Saini, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 03.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.06 dated 06.03.2020 under Sections 420, 498-A and 406 of IPC, 1860, registered at Police Station NRI, District SAS Nagar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise/settlement agreement dated 22.11.2021, Annexure P-2.

Counsel for the petitioner submits that the marriage of the petitioner was solemnized with the complainant/respondent

No.2 in March, 2017, but due to temperamental differences, the parties could not adjust with each other and are separate in residence since June, 2019. By referring to the order dated 22.12.2020, Annexure P-3, passed by the Federal Circuit Court of Australia, counsel submits that divorce order has been passed and the marriage stands dissolved. He submits that the dispute between the parties has been settled vide agreement dated 22.11.2021, Annexure P-2, which was arrived at before the Mediation and Conciliation Centre of this Court and in terms of the agreement, the petitioner has made the entire payment to the complainant. Counsel submits that summon issued to the petitioner under Section 105-B, Cr.P.C. has been challenged by him before this Court and vide order dated 06.10.2020, Annexure P-5, this Court has directed that no coercive steps shall be taken against him.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by him from Inspector Balbir Singh, the matter is under investigation. Mr. Pritam Singh Saini, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his 'Memorandum of Appearance', which is taken on record. He admits the factum of compromise as well as the

submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 07.03.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. As the petitioner and complainant-respondent No.2 are residing in Australia, they will appear before the Illaqa Magistrate/Trial Court through video conferencing for recording of their statements. The counsel representing the parties or their Power of Attorney holders will identify them.

The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court 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 Illaqa Magistrate/trial Court be awaited for 04.05.2022.”

In pursuance thereto, report has been received from the Trial Court and its relevant extract is as under:-

“1. There is only one accused in this case namely Sher Partap Singh. The accused namely Sher Partap Singh appeared through VC and his statement has (been) recorded through VC. As per the statement of IO, Inspector Balbir Singh No.694/SAS Nagar, posted at PS NRI Mohali, the said accused has not been declared PO in the present FIR.

2. There is no other complainant or affected/aggrieved party except the complainant namely Gaganjot Kaur and she appeared through VC and made a statement in support of compromise through VC.

3. As per the statement of Inspector Balbir Singh, challan has not been presented in this case. The remand papers are pending before this Court.

4. As per those statements of the parties to this case, this Court is of the considered view and has acquired satisfaction that the parties have arrived at a compromise with their free consent and voluntarily and genuinely.

5. As per the statement of Inspector Balbir, there is no other criminal case pending against the accused.”

FIR (Annexure P-1) is an outcome of a martial dispute between the parties, which has been settled and marriage has been dissolved. In view of the judgments of Hon'ble Supreme Court in **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** and **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543**, prolonging of criminal proceedings would be an exercise in futility and interest of justice would be served in case the same are set aside.

Accordingly, the petition is allowed. FIR No.06 dated 06.03.2020 under Sections 420, 498-A and 406 of IPC, 1860, registered at Police Station NRI, District SAS Nagar, (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 04, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes