

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(135+273)

CRM-M-5743-2021 (O&M)
Date of Decision:- 10.08.2022

Rajvir Singh Grewal

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Subhash Chand, Advocate for
Mr. Vaibhav Narang, Advocate for the applicant-petitioner.

Mr. A.S.Gill, Senior DAG, Punjab for State-respondent No.1.

Mr. Devansh Khanna, Advocate for
Mr. Sapna Khurana, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-27823-2022

Application is allowed as prayed for.

Judgment and decree dated 27.07.2021 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 the Code of Criminal Procedure, 1973 for quashing of FIR No.0002 dated 04.01.2020, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Women, District Bathinda, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of panchayati compromise dated 29.11.2020, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant-respondent No.2 on 07.04.2019 at Bathinda and there is no issue born out of the wedlock. He submits that due to temperamental differences, the parties could not pull along and have been residing separately for the last more than two years. Counsel submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute between the parties, which has been settled by virtue of panchayati compromise, Annexure P-3 and in terms of the settlement, the petitioner has made the entire payment of Rs.8 lacs towards permanent alimony as also returned the gold ornaments of the complainant. Counsel submits that marriage has been dissolved by virtue of judgment and decree, Annexure P-5.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 09.02.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded with regard to the compromise and a report was called for on the following aspects:-

- “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.”*

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

“(i) There is one accused namely Rajvir Singh in the present FIR No.02 dated 04.01.2021, under Section 498-A, 406 of Indian Penal Code, 1860, Police Station Women Cell, Bathinda. The accused Rajvir Singh appeared through his special power of attorney holder Jaipal Singh son of Malkeet Singh, resident of House No.3, near Mata Mandir Village Daad Tehsil and District Ludhiana. The accused suffered a statement regarding compromise through his special power of attorney and no accused is proclaimed offender in this FIR.

(ii) There is one complainant namely Ramandeep Kaur and she appeared before the Court and suffered a statement in support of compromise. She submitted that mutual divorce petition under Section 13-B of Hindu Marriage Act is pending before the Court of learned Family Court, Bathinda for 27.07.2021 for second motion statement as well as for making payment of Rs.4 lacs and gold ornaments.

(iii) Challan has not been presented before the Court till today.

(iv) 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 voluntary, without any pressure, coercion or undue influence from any quarter.”

It is evident that FIR, Annexure P-1, is a fallout of a marital discord, which has been settled, marriage has been dissolved and the parties have settled their *inter se* claims.

In view of this development, report of the Trial Court and the judgments of Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** and ***Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the view that prolonging the criminal proceedings would not serve any purpose and ends of justice would be met in case the criminal proceedings are set aside.

According, petition is allowed. FIR No.0002 dated 04.01.2020, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Women, District Bathinda, Annexure P-1, are quashed qua the petitioner.

(SUVIR SEHGAL)

JUDGE

10.08.2022

Kamal

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