

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(131+244)

CRM-M-12270-2021 (O&M)

Date of Decision:- 01.08.2022

Nishant Jasrotia and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vishal Munjal, Advocate for the applicants-petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent No.1.

Mr. Sunil Agnihotri, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-23253-2022

Application is allowed as prayed for.

Judgment and decree dated 04.08.2021 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.0192 dated 09.11.2020, registered for offences under Sections 498-A, 506 and 120-B of the Indian Penal Code, 1860, at Police Station Shahpurkandi, Tehsil and District Pathankot, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 09.11.2020, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 26.06.2019 at Pathankot and there is no issue born out of the wedlock. He submits that due to incompatibility, the couple could not adjust with each other and started living separately from August, 2019 and FIR, Annexure P-1, is an off shoot of the matrimonial dispute. He submits that the dispute has been settled by virtue of compromise deed, Annexure P-3, entire permanent alimony of Rs.9 lacs has been paid and marriage has been dissolved vide judgment and decree, Annexure P-5.

Upon instructions received from ASI, Ranjit Singh, State counsel submits that three persons were named as accused in the FIR, but during investigation, the third accused, i.e., the sister-in-law of the complainant-respondent No.2, who has been found to be innocent. As per his instructions, the matter is still under investigation.

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

Heard counsel for the parties.

Vide order dated 17.03.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting 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;*
- 5. whether any other criminal case is pending against the accused.”*

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

- “(i) As per statement, two persons namely Nishant Jasrotia and Meera Devi are arrayed as accused and both the accused have appeared in the Court and suffered statement and none of the accused has (sic been) declared Proclaimed Offender in the case and no P.O. proceedings are pending against any of the accused.*
- (ii) As per statement, Meenakshi Devi is only complainant in present case and she has appeared in the Court for recording her statement and there is no other complainant or injured in present FIR.*
- (iii) As per record, challan in above-said FIR has not been presented in the Court till date.*
- (iv) Compromise is genuine, voluntarily and not the result of any pressure or coercion or undue influence and same is genuine and valid.*
- (v) As per statement, no other criminal case is pending against the accused.”*

It is evident that the criminal proceedings were initiated by complainant-respondent No.2 due to a marital discord between the parties, which has been settled and as a result of a compromise, the dispute has been resolved, claims have been settled and marriage has been dissolved.

In view of these developments as well as 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 Gujrat and another (2017) 9 SCC 641*, this Court is of the opinion that keeping the criminal proceedings alive will not serve any purpose.

Accordingly, the petition is allowed. FIR No.0192 dated 09.11.2020, registered for offences under Sections 498-A, 506 and 120-B of the Indian Penal Code, 1860, at Police Station Shahpurkandi, Tehsil and District Pathankot, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

01.08.2022
Kamal

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