

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

127+282

CRM-M-4986 of 2022 (O&M)

Date of decision:17.05.2022

Iqbal Khan

... Petitioner

Vs.

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Ms. Ritu Pathak, Advocate with  
Mr. Gaurav Pathak, Advocate  
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Yatin Sardana, Advocate for  
Mr. Damandeep Singh, Advocate  
for respondent No.2.

**SUVIR SEHGAL, J. (Oral)**

**CRM No.18325 of 2022**

Counsel for the applicant-petitioner submits that marriage of petitioner with the complainant-respondent No.2 has been dissolved by virtue of *Talaqnama*/agreement dated 14.01.2022 and *mehar* amount of Rs.2.00 lacs has been paid to the complainant-respondent No.2.

Application is allowed as prayed for.

Talaqnama/agreement dated 14.01.2022 is taken on record as Annexure P-4 (re-numbered as Annexure P-5).

**CRM-M-4986 of 2022**

On 08.02.2022, this Court passed the following order:-

*“Heard through video conferencing.*

*Prayer in this petition is for quashing of FIR No.294 dated 23.12.2021 under Section 498-A of IPC, 1860, registered at Police Station Kharar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 12.01.2022, Annexure P-2, arrived at between the parties.*

*Counsel for the petitioner submits that Nikah of petitioner was performed with complainant/respondent No.2 on 11.11.2018 and a daughter was born out of the wedlock. She submits that FIR, Annexure P-1, is a result of marital dispute, which has been settled by virtue of compromise, Annexure P-2, and in terms thereof, a cheque of Rs.1 lac has been given to the complainant/respondent No.2, which has been encashed. She submits that the balance amount of Rs.1 lac is to be paid after the quashing of the FIR. Still further, she submits that the custody of the minor child is to remain with the complainant/respondent No.2 and the marriage between the parties has been decided to be dissolved as per their customary law. She submits that the petitioner has not been declared as Proclaimed Offender.*

*Notice of motion.*

*On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. He has instructions to state that the matter is under investigation. Mr. Damandeep Singh, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioner.*

*The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 14.03.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing 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 04.04.2022.”*

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

*“(i) There is one person arrayed as accused in FIR.*

*(ii) No accused has been declared Proclaimed Offender in the case.*

*(iii) In the present case challan has not been presented before the Court.*

*(iv) From statement of above person, ex-facie, it transpires that the compromise is genuine, voluntarily and out of free will of the parties qua complainant and accused.*

*(v) No other criminal case is pending against the accused.”*

FIR (Annexure P-1) is a result of martial discord between the parties, which has been settled, marriage stands dissolved, vide Talaqanama/agreement (Annexure P-5) and the entire *mehar* amount has been paid.

In view of above, this Court is of the view that keeping the criminal proceedings alive would be an exercise in futility, rather setting aside the same would enable the parties to lead a peaceful life.

Following the judgments of Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582, Narinder Singh and**

others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482 and B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675, petition is allowed. FIR No.294 dated 23.12.2021 under Section 498-A of IPC, 1860, registered at Police Station Kharar, (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 17, 2022  
savita

(SUVIR SEHGAL)  
JUDGE

|                           |     |
|---------------------------|-----|
| Whether Speaking/Reasoned | Yes |
| Whether Reportable        | Yes |