

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(261)

CRM-M-5984-2022

Date of Decision:- 05.05.2022

Gursewak Singh @ Sewak and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shoryaveer Vashist, Advocate for the petitioners.

Mr. P.S.Walia, AAG, Punjab for State-respondent No.1.

Mr. Salinder Kumar Saini, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 11.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.145 dated 15.10.2016 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Lehra, District Sangrur, Annexure P-1, on the basis of panchayati compromise dated 01.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are the parents-in-law and petitioner No.4 is the brother-in-law of the complainant/respondent No.2. He submits that the marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 26.01.2014, however, due to some minor issues, there was a dispute between the parties, which has been settled by virtue of panchayati compromise, Annexure P-2, and the parties have reconciled their differences and are residing together under one roof. Counsel for the petitioners further submits that though the challan was presented but the case is at the stage of recording of evidence of the prosecution witnesses.

Notice of motion.

On asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. However, he is not in a position to dispute the submission made by the counsel for the petitioners. Mr. Salinder Kumar Saini, 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 petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 06.04.2022 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 05.05.2022.”

Report has been received pursuant to the above reproduced order,

which is as under:-

- “1. The accused impleaded in the present FIR are party to the compromise.*
- 2. None of the accused have been declared as proclaimed offender.*
- 3. The compromise between the parties is genuine, voluntarily and out of free will of the parties.*
- 4. No other criminal case are (sic is) pending against the accused and they are not involved in any other FIR.*
- 5. There is only complainant, namely, Veerpal Kaur, wife of Gursewak Singh son of Nirmal Singh*

(Daughter of Baljeet Singh, resident of village Arkwas, Tehsil Lehra, District Sangrur now resident of village Alampur, Tehsil Lehra, District Sangrur.

5. *From the statements, it appears that compromise is genuine and have (sic has) been effected between the parties without any pressure and with their free will and without any coercion or undue influence.”*

FIR, Annexure P-1, has emanated from a petty matrimonial issue, which has been settled, and the parties are living together.

In view of the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, this Court is of the opinion that prolonging the criminal proceedings will not serve any purpose and this Court has no hesitation in setting aside the same.

Accordingly, the petition is allowed. FIR No.145 dated 15.10.2016 under Sections 498-A and 406 of the Indian Penal Code, 1860, registered at Police Station Lehra, District Sangrur, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

05.05.2022
Kamal

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