

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(299)

CRM-M-6737-2022-
Date of Decision:-08.12 .2022

Ashwani Kumar and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raj Kumar Arya, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab for State-respondent No.1.

Ms. Sukhveer Kaur, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0184 dated 03.09.2021, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Dinanagar, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 17.01.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 12.11.2016 in District Gurdaspur and there is no issue out of the wedlock. He submits that due to

temperamental differences between the parties, they could not pull along and have been staying separately since January, 2021. He submits that FIR, Annexure P-1, which is an outcome of a matrimonial dispute, has been amicably settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-3, and the entire permanent alimony of Rs.11 lacs has been paid.

Upon instructions, State counsel submits that matter is under investigation.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 04.03.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“(I) As per the statements of parties and Investigating Officer, accused namely Ashwani Kumar, Nath Ram and Santosh Kumari were arraigned in the FIR and they are not absconding/proclaimed offenders and no proclaimed offenders proceedings are pending against them and accused Ashwani Kumar has appeared through video conferencing and accused Nath Ram and Santosh Kumari in persons have appeared before the Court of undersigned and have made their statements.

(II) Complainant Arti Kashyap is the only injured/aggrieved persons in the present case and she appeared in the Court in person and made her statement.

(III) As per report of Ahlmad, no police challan and remand papers are pending in the present FIR.

(IV) The compromise is genuine, voluntarily and without any coercion and undue influence.

(V) As per the statements of accused persons and Investigating Officer, no any other criminal case is pending against accused persons except the present case.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above developments, report of the Trial Court and the judgments of Supreme Court in *Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court is of the view that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.0184 dated 03.09.2021, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Dinanagar, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

08.12.2022
Kamal

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