

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(262)

CRM-M-6415-2022

Date of Decision:- 27.10.2022

Pawanjeet Singh and others

...Petitioners

VERSUS

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjay Khan, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Kulwinder Singh, 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.86 dated 17.10.2018, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Ludhiana, District Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of panchayati agreement dated 27.07.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the 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 complainant-respondent No.2. He submits that

marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 07.04.2017 and a daughter was born out of the wedlock. He submits that due to temperamental differences, the parties have been living separately since April, 2019 and there has been a total break down of the marriage. He submits that matrimonial dispute has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-5 and the entire permanent alimony of Rs.6.50 lacs has been paid. Still further, he submits that all the *Istridhan* articles have been returned and it has been agreed between the parties that the custody of the minor will remain with complainant-respondent No.2. Counsel submits that another FIR bearing No.254 dated 14.09.2017 has been lodged by complainant-respondent No.2 under Section 323, 342 and 506, IPC at Police Station Division No.7, Ludhiana against petitioner No.1 and after investigation, a cancellation report has been submitted.

Upon instructions received from ASI, Naresh Kumar, State counsel submits that challan has been presented, but charge has not been framed.

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

Heard counsel for the parties.

Vide order dated 03.03.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for on the following points:-

- “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 as under:-

- “1. It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, only petitioners/accused are arraigned in the present FIR and they have appeared and made their joint statement regarding compromise and they have not (been) absconding/PO in this case nor any criminal case is pending against them.*
- 2. Further, the name of the complainant/injured/aggrieved is Ramandeep Kaur i.e. respondent No.2, who has appeared and made her statement in support of the compromise.*
- 3. The challan against all the accused have been presented and petitioner/accused Pawanjeet Singh has appeared, whereas notices to petitioner/accused Sham Lal, Raj Rani and Jagjit Singh have been issued.*
- 4. So, from the statements of the parties, it appears to the court that the parties have been compromised the matter of their free will, voluntarily, without any sort of pressure, coercion and fear.”*

It is evident that FIR, Annexure P-1, is a result of bitterness and acrimony between an estranged married couple, which has been amicably settled by virtue of compromise, Annexure P-2. Parties have decided to bury their hatchet and lead separate lives.

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court is of the opinion that setting aside of the criminal proceedings would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.86 dated 17.10.2018, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Ludhiana, District Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

27.10.2022
Kamal

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