

**CRM No.42308 of 2021 in/and
CRM-M-7488 of 2021**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.42308 of 2021 in/and
CRM-M-7488 of 2021
Date of decision:15.02.2022**

Mohammad Asif

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms.Usha Rani, Advocate for
Mr. Arjun Attri, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.42308 of 2021

Prayer in the application is for preponement of the main case
which is fixed for hearing on 09.05.2022.

Notice of the application to non-applicant/respondents.

Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab
accepts notice on behalf of non-applicant/respondent No.1-State and Ms.
Usha Rani, Advocate for Mr. Arjun Attri, Advocate accepts notice on behalf
of non-applicant/respondent No.2.

Counsel for the non-applicant/respondents do not have any objection in case the prayer made in the application is acceded to.

Application is allowed.

Hearing of the main case is preponed to today and it is ordered to be taken up on Board for hearing today itself.

CRM-M-7488 of 2021

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.25 dated 12.02.2020 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Patiala (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 08.02.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 16.09.2016, but due to a dispute between them, FIR (Annexure P-1) was lodged. Counsel submits that on the intervention of the respectables, the dispute has been settled and a compromise (Annexure P-2) has been entered into between the parties, who are now happily residing together at their matrimonial home. Counsel submits that pursuant to order passed by this Court on 17.02.2021, parties have appeared before the Trial Court and their statements have been recorded, in support of the compromise.

Upon instructions from MHC Deepak, State counsel submits

that investigation is complete and a final report has been presented in August, 2020, though the charge is yet to be framed.

Counsel appearing on behalf of respondent No.2-complainant has admitted the factum of compromise as well as statement made by counsel for the petitioner. She has also admitted the fact that couple is cohabiting together.

Heard counsel for the parties.

Vide order dated 17.02.2021, this Court directed the parties to appear before the Area Magistrate for recording of their statements in support of the compromise and a report was called for from the Court concerned regarding the genuineness of the compromise, as well as antecedents of the accused and as to whether the accused has been declared as Proclaimed Offender/Person. Report has been received and the relevant extract thereof, is reproduced as under:-

“5. From the statement of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties

6. Further trial Court is to submit a report containing the following information:-

As per statement of Investigating Officer, only Mohammad Asif has been arrayed as accused in FIR No.25 dated 12.02.2020 under Sections 406, 498-A IPC, Police

Station Women Patiala. Accused Mohammad Asif has not been declared as proclaimed offender/person nor any proclamation proceedings are pending against him. Accused is not involved in any other case.”

Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** and in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. **In Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146**, Supreme Court has held that Section 320, Cr.P.C is not an embargo against invoking inherent powers by the High Court under Section 482, Cr.P.C.

Keeping in view the fact that FIR is a result of matrimonial dispute, which has been resolved and the parties are residing together, this Court is of the view that continuation of the criminal proceedings will not serve any purpose, rather setting aside of the same would enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.25 dated 12.02.2020 registered under Sections 406, 498-A of Indian Penal Code,

1860 at Police Station Women, District Patiala (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

February 15, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>