

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-14452-2022

Date of decision:19.12.2022

Devinder Kumar Ghai and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGALPresent: Mr. N.K. Manchanda, Advocate for
Mr. Pranav Handa, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Sachin Kalia, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 17.08.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.140 dated 19.11.2017 registered under Sections 498-A and 406 of Indian Penal Code, 1860 at Police Station City Nawanshahar, District SBS Nagar (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 09.03.2022 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband of the complainant-respondent No.2 and petitioner No.2 is her mother-in-law. Counsel submits that FIR is an outcome of petty matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2). He submits that parties have ironed out their differences and they are now living together.

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Lekh Raj, he submits that the trial is underway.

Mr.Sachin Kalia, Advocate for Mr.Pranav Handa-II, Advocate, who appears on behalf of the complainant-respondent No.2, has admitted the factum of compromise and the statement made by counsel for the petitioners.

Parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 06.09.2022 or on any day thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Area Magistrate shall submit a report 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 Trial Court/Area Magistrate be awaited for 24.11.2022.”

Counsel for complainant/respondent No.2 affirms that petitioner

No.1 and complainant/respondent No.2 are living under one roof.

Heard counsel for the parties.

Report has been received in deference to the above reproduced order and its relevant extract is as under:-

“a) that two persons namely Devinder Kumar Ghai and Vinod Kumari have been arraigned as accused in the present FIR; both the accused have been appearing before the Court; and that no accused has been declared as proclaimed person in the present FIR;

b) that the present case has been registered by complainant Savita Ghai, who is the aggrieved person and she has appeared before the Court for suffering her statement with regard to the compromise;

c) that the case is pending for consideration on the application under Section 319 Cr.P.C;

d) that the compromise between first informant Savita Ghai and accused namely Devinder Kumar Ghai and Vinod Kumari is genuine & valid and out of free Will and without any pressure or coercion; and

e) that no other criminal case is pending against the accused/petitioners, as per the statement suffered by the IO/ASI Surinder Singh.”

As the dispute has arisen out of a matrimonial dispute, which has been amicably settled and the parties are living together, this Court has no hesitation in exercising power under Section 482 and quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.140 dated 19.11.2017 registered under Sections 498-A and 406 of Indian Penal Code, 1860 at Police Station City Nawanshahar, District SBS Nagar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

19.12.2022
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(SUVIR SEHGAL)
JUDGE

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