

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(266)

CRM-M-7201-2022

Date of Decision:- 26.04.2022

Guriqbal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Arora, Advocate for the petitioner.

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

Mr. Jagjeet 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.154 dated 23.11.2018, registered for offence under Section 498-A of the Indian Penal Code, 1860 (Section 406, IPC was added later on vide DDR No.22 dated 01.01.2020), at Police Station Chabhal, District Tarn Taran, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.01.2022, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 20.02.2012 and a daughter was born out of the wedlock, but due to temperamental differences, the marriage did not last long and the parties have been residing separately. He submits that the matrimonial dispute between the parties has been settled by virtue of compromise, Annexure P-3, marriage has been dissolved vide judgment dated 08.02.2022, Annexure P-2, and the entire permanent alimony of ₹3 lacs stands paid to the complainant-

respondent No.2. Still further, he submits that in terms of the compromise, the custody of the minor daughter is to be remain with complainant-respondent No.2. He submits that the parties have appeared before the Trial Court in deference to the order passed by this Court and their statements have been recorded.

Upon instructions received from ASI, Jaspal Singh, State counsel submits that though there were number of accused, but all of them, except the husband-petitioner were found to be innocent and after investigation the challan was presented against the petitioner. As per his instructions, charge has been framed and the trial is fixed for recording of evidence of prosecution witnesses.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and has not converted the statement of counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 21.02.2022, this Court directed the parties to appear before the Trial Court and get their statements recorded and a report was called for from the Court concerned on the following points:-

- “i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.”*

Report has been received and its relevant extract is reproduced as under:-

“1. As per the statement of Investigating Officer, there is only one complainant/respondent, namely, Ramandeep Kaur and only one accused, namely, Guriqbal Singh arrayed as accused in the FIR in question. It is further submitted that both the parties appeared in the Court and got recorded their statements in support of compromise so effected between them.

2. As per the statement of Investigating Officer, the accused has not been declared Proclaimed Offender.

3. Final report has been submitted by the police and the trial is already pending in the Court for evidence of the prosecution for 10.05.2022.

4. As per the statement of the Investigating Officer and parties to the petition, the compromise effected between the parties is genuine, voluntary and out of their free will.”

FIR, Annexure P-1, is a fallout of a matrimonial discord between the private parties, which has been amicably resolved and marriage has been dissolved by mutual consent.

Keeping in view the judgment of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court is of the opinion that continuation of the criminal proceedings will not serve any purpose and ends of justice will be served in case they are set aside.

Accordingly, the petition is allowed. FIR No.154 dated 23.11.2018, registered for offence under Section 498-A of the Indian Penal Code, 1860 (Section 406, IPC was added later on vide DDR No.22 dated 01.01.2020), at Police Station Chabhal, District Tarn Taran, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

26.04.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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