

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(272)

CRM-M-7776-2021
Date of Decision:- 28.07.2022

Jagjeet Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Hoshier Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent No.1.

Mr. Shantanu Sharma, 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.138 dated 25.08.2020, registered for offences under Sections 406, 498-A, 494, 447 and 448 of the Indian Penal Code, 1860 and Section 4 of Dowry Prohibition Act, 1961, at Police Station City Jalalabad, District Fazilka, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 18.01.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner No.1 was solemnized with complainant-respondent No.2 on 18.02.2012 and there is no issue out of the wedlock. He submits that FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2, and the couple is living under one roof.

Upon instructions received from ASI, Bhagwan Chand, State counsel submits that the matter is under investigation. He has filed affidavit of Deputy Superintendent of Police, PBI, Fazilka in compliance of order dated 18.02.2021 passed by this Court to submit that no other FIR is registered against the petitioner.

Counsel representing complainant-respondent No.2 has admitted that factum of compromise and does not controvert the statement of counsel for the petitioner. He submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Heard counsel for the parties.

Vide order dated 18.02.2021, this Court directed the parties to appear before the Trial Court to get their statements recorded and a report was called for from the Trial Court/Area Magistrate regarding the authenticity of the compromise. Report has been received and its relevant extract is as under:-

“As such, the report is being submitted to the effect that compromise effected between the parties is voluntary, genuine and without any kind of undue influence or pressure. In view of statement of Investigating Officer, there is no other party involved, who is not party to the present petition whose consent would have been required.”

It is evident that FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been amicably settled and the parties are residing together.

On this happy note and keeping in view the report of the Trial Court and the judgments of the Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.138 dated 25.08.2020, registered for offences under Sections 406, 498-A, 494, 447 and 448 of the Indian Penal Code, 1860 and Section 4 of Dowry Prohibition Act, 1961, at Police Station City Jalalabad, District Fazilka, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

28.07.2022
Kamal

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