

**CRM No.32694 of 2022 in/and
CRM-M-7172 of 2022 (O&M)**

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

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**CRM No.32694 of 2022 in/and
CRM-M-7172 of 2022 (O&M)
Date of decision:07.09.2022**

Gurchran Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harshit Jain, Advocate
for the petitioners.

Mr. P.S.Grewal, DAG, Punjab.

Mr. Gurbir Singh Sidhu, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.32694 of 2022

For the reasons given in the application, it is allowed.

The date of hearing of the main case is advanced from
10.10.2022 to today and it is ordered to be taken up on Board.

CRM No.32696 of 2022

Application is allowed as prayed for.

Judgment and decree dated 21.07.2022 passed under Section
13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-6.

CRM-M-7172 of 2022

On 22.02.2022, this Court passed the following order:-

“Heard through video conferencing.

This is the second petition for quashing of FIR No.46 dated 07.07.2018 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, District Ludhiana, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 04.02.2022, Annexure P-5, arrived at between the parties.

Counsel for the petitioners submits that the first petition (CRM-M-4299-2022) was withdrawn on 03.02.2022 with liberty to file a fresh one with better particulars. He submits that petitioner No.1 is the husband of complainant/respondent No.2 and petitioners No.2 and 3 are her in-laws. Besides, the said persons, Arvinder Singh, brother-in-law of the complainant/respondent No.2 was also an accused, but he has unfortunately expired. Counsel submits that the marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 24.11.2012 and a daughter was born out of the wedlock, but due to temperamental differences, the parties could not pull along and all efforts made for reconciliation failed. He submits that a compromise, Annexure P-5, has been entered into between the parties, wherein, it has been agreed that the custody of the minor will

remain with the complainant. As per the instructions received by him, counsel for the petitioners submits that a petition seeking divorce by mutual consent has been filed under Section 13-B of the Hindu Marriage Act, 1955, first motion has been recorded and the second motion is to be recorded on 04.07.2022, when the entire permanent alimony of Rs.7 lacs will be paid to the complainant.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. On basis of instructions received from ASI Vipin Kumar, he submits that investigation has been concluded and final report has been presented before the Trial Court. Mr. Gurbir Singh Sidhu, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 04.03.2022 or on any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/Trial Court shall submit a report on or

before the next date of hearing 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 Illaqa Magistrate/Trial Court be awaited for 10.08.2022. “

Counsel for the petitioners submits that in terms of the compromise, permanent alimony of Rs.7.00 lacs has been paid to the complainant-respondent No.2 and marriage has been dissolved by judgment and decree, Annexure P-6.

Report has been received from the Trial Court pursuant to above reproduced order 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, there are four persons namely Gurcharan Singh, Gurmel Kaur,

Chamkaur Singh @ Karam Singh and Harwinder Singh are arraigned in the present FIR, out of which one accused namely Harwinder Singh son of Chamkaur Singh @ Karam Singh has expired during the trial. Only three accused i.e. petitioners have appeared and made their statement regarding the compromise. The accused/petitioners 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 Gurjeet Kaur i.e. Respondent No.2, who has appeared and made her statement in support of the compromise.

3. The case was fixed for filing the reply to application for discharging the accused.

4. So, from the statements of the parties, it appears to the Court that the parties have compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.”

Counsel for the complainant-respondent No.2 has not only supported the prayer made in the petition, but also submits that respondent No.2 has received entire permanent alimony.

From the above, it is evident that FIR (Annexure P-1) is an outcome of a matrimonial dispute, which has been settled and marriage has been dissolved. Decision regarding custody of the minor child has also been

taken.

In view of the above development, report of the Trial Court and judgments of Supreme Court in **Narinder Singh Vs. State of Punjab 2014 (6) SCC 466** 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 prolonging of the criminal proceedings would increase the agony of the parties, rather setting them aside would enable them to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.46 dated 07.07.2018 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, District Ludhiana, (Annexure P-1) along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

September 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

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