

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

261

CRM-M-9109-2021

Date of decision:16.09.2022

Bhupinder Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Khush Deep Mann, Advocate for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Ms. Arshdeep Kaur, Advocate for
Mr. Gurwinder Singh, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 26.02.2021, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Prayer in the present petition is for quashing of FIR No.105, dated 13.06.2019, under Section 498-A of IPC, 1860, registered at Police Station Lambi, District Shri Muktsar Sahib, and all the consequential proceedings arising therefrom, on the basis of compromise dated 02.12.2020 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners states that the petitioner No.1-Bhupinder Singh is the husband of respondent No.2-Mandeep Kaur and petitioner No.2-Jasveer Singh is the father-in-law of respondent No.2. Learned counsel further stated that the parties have now resolved their issues and have started living together.

Notice of motion.

On the asking of the Court, Mr. Amandeep Singh Gill, Sr. DAG, Punjab, accepts notice on behalf of the respondent No.1-State.

At this stage, Mr. Gurwinder Singh, Advocate, puts in appearance on behalf of the respondent No.2-complainant and does not dispute

the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the Illaqa Magistrate/Duty Magistrate/trial Court on 18.03.2021 or any other date convenient to the Court concerned, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing.

The report be forwarded to this Court specifying the followings :-

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.

Report of the Illaqa Magistrate/Duty Magistrate/trial Court be awaited for 24.05.2021.”

Upon instructions from ASI Harwinder, State counsel submits that charge has not been framed.

Counsel for the complainant/respondent No.2 has admitted the fact that the parties are living together under one roof.

Heard counsel for the parties.

Report has been received from the trial court pursuant to the above-said reproduced order and its relevant extract is as under:-

“(i) That as per statement of IO there are two accused in the present FIR and all of them appeared and have made their statement and no any accused is absconding/PO in the case;

(ii) That as per statement of IO, there is only one complainant/injured namely Mandeep Kaur in the present FIR and she has appeared and made her statement in support of compromise;

(iii) That as per report of Ahlmad the challan in the present FIR has been presented and case is pending for appearance of accused;

(iv) *That the compromise effected between the parties is genuine, voluntary and out of free will.”*

Considering the fact that FIR is an outcome of a trivial matrimonial dispute, which has been amicably settled and the parties are living together at their matrimonial home and the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the view that continuation of criminal proceedings would be a futile exercise.

Accordingly, petition is allowed. FIR No.105 dated 13.06.2019 registered at Police Station Lambi, District Shri Muktsar Sahib, under Section 498-A of IPC, 1860, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

16.09.2022
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(SUVIR SEHGAL)
JUDGE

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