

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(305)

CRM-M-8285-2022 (O&M)-
Date of Decision:- 05.12.2022

Rajinder Kumar and another

...Petitioners

VERSUS

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Devinder Singh Nigha, Advocate for the petitioners.

Mr. Viranjeet Singh Mahal, Addl. P.P., U.T., Chandigarh
for U.T.-respondent No.1.

Mr. Siddhant Pandit, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-38372-2022

Application is allowed as prayed for.

Judgment and decree dated 05.07.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-6.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.161 dated 28.11.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Women Police Station, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 23.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of complainant-respondent No.2. He submits that FIR, Annexure P-1, which has emanated from a matrimonial dispute, has been settled by virtue of a compromise, Annexure P-2, and marriage has been dissolved by mutual consent vide judgment, Annexure P-6. Counsel submits that the entire permanent alimony of Rs.15 lacs has been paid and custody of the minor child is with complainant-respondent No.2.

Upon instructions, State counsel submits that matter is under investigation.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 28.04.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“6 (i) *It is humbly submitted that there are a total of two accused persons, namely Rajinder Kumar and Kuldeep Kaur, arrayed in the present FIR. The said accused persons have appeared before this Court and have got recorded their statements regarding the compromise effected between them and the complainant. As per the statement of the Investigating Officer of this case, the accused of the present FIR are not involved in any other case and they have never*

been declared proclaimed persons/proclaimed offenders in this case or in any other criminal case.

(ii) There is only one complainant/aggrieved person, namely Rozzy, in the present FIR. She has appeared before this Court and has got recorded her statement regarding the compromise effected between her and the accused persons.

(iii) In the case in hand, the Challan has not been presented yet and the compromise has been effected between the parties at the stage of its investigation.

(iv) From the statements of the parties, it seems that the compromise between the parties is genuine, voluntary and the same has been arrived at between the parties without any undue influence or pressure.

(v) As per the statement of the Investigating Officer of this case, the accused of the present FIR are not involved in any other case.

7. The complainant Rozzy has not objection if the above said FIR and the above said consequential proceedings are quashed against the accused Rajinder Kumar and Kuldeep Kaur in view of the compromise entered into between the parties.”

As FIR, Annexure P-1, is a outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved, this Court is of the view that keeping the criminal proceedings alive will not serve any purpose.

In view the above developments, report of the Trial Court and the judgments of Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.161 dated 28.11.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Women Police Station, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

05.12.2022

Kamal

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