

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120+254)

CRM-M-9294-2021 (O&M)
Date of Decision:- 04.04.2022

Lovepreet Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Sharma, Advocate for the applicants-petitioners.

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

Mr. Nitin Sharma, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-797-2022

Application is allowed as prayed for.

Judgment and decree dated 29.10.2021 passed under Section
13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

CRM-M-9294-2021

On 26.02.2021, this court passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in this petition is for quashing of FIR No.135 dated 16.11.2018 under Sections 406, 498-A of Indian Penal Code, 1860, registered at Police Station Bilga, District Jalandhar Rural, along with all consequential proceedings arising therefrom, on the basis of compromise/agreement, dated 05.02.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners has urged that the FIR is the outcome of the marital discord between the wife-complainant-respondent No.2, and her husband-petitioner No.1, which has been settled by virtue of compromise-Annexure P-2. He further submits that out of the total amount of permanent alimony of Rs.16 Lacs, Rs.10 Lacs has already been paid to respondent No.2 and the remaining Rs.6 Lacs is to be paid at the time of recording of second motion in the divorce petition before the matrimonial Court. He submits that the petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has been filed and is fixed for 12.03.2021 for recording of the first motion. He has referred to para 8 of the petition and submitted that petitioners have not been declared as Proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Ramandeep Sandhu, Senior DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State and Mr.Nitin Sharma, Advocate has put in appearance on behalf of respondent No.2-complainant. He has admitted the factum of compromise between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 12.03.2021 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 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 28.04.2021.”

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

“On point no.-(i) - *it is submitted that as per the statement of ASI, Anwer Masih, he is the Investigating Officer of the present case. Mandeep Chungh is only complainant in the present case, who got recorded, FIR against only two accused, namely, Lovepreet Singh son of Beant Singh and Beant Singh son of Mukhtiar Singh, both residents of Adraman, Tehsil Nakodar, District Jalandhar. Both accused joined the investigation. He further stated that neither any of accused is proclaimed offender in the present FIR, nor any other FIR against accused Lovepreet Singh and Beant Singh was registered in P.S. Bilga.*

On point No.-(ii) – *it is submitted that as the name of the complainant is Mandeep Chungh d/o Narinder Singh r/o village Ramewal r/o tehsil Phillaur, District Jalandhar and injured/aggrieved is Beant Singh and Lovepreet Singh and both of them have appeared and got their statements recorded in support of compromise.*

On point No.-(iii) - *it is submitted that the case is at the stage of consideration of application u/s 319 Cr.P.C.*

On point No.-(iv) - *it is submitted that as per the statement of complainant, Mandeep Chungh, the compromise has been effected between herself and the accused person, namely,*

Lovepreet Singh, son of Beant Singh and Beant Singh son of Mukhtiar Singh, both residents of Adraman, Tehsil Nakodar, District Jalandhar out of their free will and without any pressure. As per the statement of accused Beant Singh and Lovepreet Singh, the compromise has been effected between himself and complainant, Mandeep Chungh, without any threat coercion, pressure or promise from any corner.

The compromise deed has also been reduced in writing, photocopy of the compromise is Ex.P1. The photocopy of Aadhar Card of complainant, Mandeep Chungh, is Ex.P2 and Aadhar Card of accused, Beant Singh and Lovepreet Singh, is Ex.P3 and Ex.P4 respectively. From the above said statements of accused, this Court is of the view that compromise has been effected between the complainant and both the accused out of free will and without any pressure.

On point No.-(v) – it is submitted that as per the statement of ASI, Anwer Masih, Investigation Officer , no any other FIR against accused, Lovepreet Singh and Beant Singh, was registered in P.S.Bilga.”

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of the complainant-respondent No.2 and is apparent from the perusal of the judgment, Annexure P-4, the entire permanent alimony of Rs.16 lacs has been paid to the complainant-respondent No.2. This fact has been verified by the counsel representing complainant-respondent No.2.

Upon instructions from ASI, Anwar Masih, State counsel submits that after the completion of investigation, challan has been presented against both the accused-petitioners, charge has been framed and prosecution evidence is underway.

Heard counsel for the parties.

FIR, Annexure P-1, is a fallout of a matrimonial dispute between the parties, which has been settled and marriage of petitioner No.1 and respondent No.2 has been dissolved vide judgment and decree, Annexure P-4.

In view of judgment of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*, this Court is of the view that prolonging of the criminal proceedings would not serve any purpose and the same deserve to be set aside.

Accordingly, the petition is allowed. FIR No.135 dated 16.11.2018 under Sections 406, 498-A of Indian Penal Code, 1860, registered at Police Station Bilga, District Jalandhar Rural, along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

04.04.2022
Kamal

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