

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9283-2022 (O & M)

Date of decision:09.09.2022

Satgur Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ishan Thakur, Advocate for
Mr. Lakhwinder S. Sidhu, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. B.S. Jatana, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-31968-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 01.08.2022 passed under
Section 13-B of the Hindu Marriage Act, 1955, is taken on record as
Annexure P-13.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.333 dated 08.12.2021 under Sections 498-A and 406
of IPC, 1860, registered at Police Station Sadar Mansa, District Mansa,
Annexure P-4, alongwith all subsequent proceedings arising therefrom, on
the basis of compromise deed dated 12.01.2022, Annexure P-8.

Counsel for the petitioners submits that petitioner No.1 is the
husband and petitioner No.2 is mother-in-law of complainant/respondent

No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 07.07.2018 and there is no child out of the wedlock. He submits that due to temperamental differences, they have been staying separately since March, 2020. Counsel submits that FIR, Annexure P-4, is an outcome of bitterness and acrimony between the parties, but now all the disputes have been resolved by compromise, Annexure P-8, and marriage has been dissolved by judgment and decree, Annexure P-13. Counsel submits that in terms of the compromise, petitioner No.1 has paid Rs.2.20 lac by way of permanent alimony to the complainant/respondent No.2.

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

Counsel for the complainant/respondent No.2 has admitted the factum of compromise as well as divorce and the receipt of entire amount of permanent alimony.

Heard counsel for the parties.

Vide order dated 29.03.2022, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to the compromise and a report was called for on the following aspects:-

“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 has been received and its relevant extract is reproduced as under:-

- “1. There are only two accused, who are the petitioner before the Honorable High Court, who have been nominated by the complainant/respondent. None of the accused has been declared Proclaimed Offender.
2. The respondent is the only aggrieved person, who has suffered statement in this Court.
3. Trial has not commenced as final report has not been presented.
4. The compromise appears to be genuine, voluntary and out of free will.
5. As per statements of the accused, no other criminal case is pending against them.”*

It is evident that FIR, Annexure P-4, is an outcome of a matrimonial dispute, which has been settled and marriage has been dissolved. Keeping in view the above development, report of the trial court and judgments of the Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, petition is allowed. FIR No.333 dated 08.12.2021 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Sadar Mansa, District Mansa, Annexure P-4, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

09.09.2022
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(SUVIR SEHGAL)
JUDGE

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