

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(266)

CRM-M-8996-2022
Date of Decision:- 05.05.2022

Ajay Kumar

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mikhail Kad, Advocate for the petitioner.

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

Mr. Neeraj Yadav, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 03.03.2022, this Court passed the following order:-

“Prayer in the instant petition is for quashing of FIR No.189 dated 25.10.2020 under Sections 498-A, 323 and 506 IPC registered at Police Station Sadar Pathankot, District Pathankot, along with all consequential proceedings arising therefrom on the basis of compromise dated 06.12.2021 (Annexure P-2).

Learned counsel for the petitioner submits that it is essentially on account of a marital discord between the petitioner and respondent No.2-complainant that the FIR in question came to be registered, however, subsequent to the registration of the FIR, the matter stands amicably settled between the parties vide compromise dated 06.12.2021 (Annexure P-2). It has been submitted that respondent No.2 has since returned to her matrimonial home where she is residing happily with the petitioner. He further submits that in the circumstances continuation of criminal proceedings would be a futile exercise.

Notice of motion.

At this stage, Mr. Neeraj Yadav, Advocate, has put in an appearance on behalf of the complainant/respondent No.2 and filed his Power of Attorney which is taken on record, subject to all just exceptions. He does not dispute the submissions made by counsel opposite and also does not oppose the prayer for quashing of the FIR on the basis of compromise.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial court on 04.04.2022 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:-

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

Adjourned to 05.05.2022.”

Report has been received pursuant to the above reproduced order,
relevant extract of which is as under:-

“i). The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;

Ans. As per statement of Investigating Officer ASI Balwinder Kumar No.1234/Ptk, recorded wherein he stated that in the present FIR one accused, namely, Ajay Kumar, is involved. Except, the complainant, namely, Savita, no other aggrieved/effected person in the present FIR.

ii). Whether any of the accused has been declared a Proclaimed Offender;

Ans. As per statement of Investigating Officer ASI Balwinder Kumar No.1234/Ptk, as well as report under Section 173 Cr.P.C., accused, Ajay Kumar, has not been declared as Proclaimed Offender.

iii). The stage of trial/proceedings;

Ans. As per statement of Investigating Officer ASI Balwinder Kumar No.1234/Ptk, the case is at its investigational stage.

iv). If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

Ans. Both the parties have got recorded their statements voluntarily and without any coercion or undue influence with regard to the compromise.”

FIR, Annexure P-1, has emanated from a petty matrimonial issue, which has been settled, and the parties are living together.

In view of the judgments 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 opinion that prolonging the criminal proceedings will not serve any purpose and this Court has no hesitation in setting aside the same.

Accordingly, the petition is allowed. FIR No.189 dated 25.10.2020, registered for offences under Sections 498-A, 323 and 506 of the Indian Penal Code, 1860, at Police Station Sadar Pathankot, District Pathankot, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

05.05.2022

Kamal

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