

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

276

CRM-M-9239 of 2022
Date of decision:19.05.2022

Jagjeet Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Sidhu, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. D.K.Sharma, Advocate for
Mr. Narinder Kumar Awasthi, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 04.03.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.19 dated 07.03.2021 under Sections 406/498-A/120-B of IPC, 1860, registered at Police Station Khalra, District Tarn Taran, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is husband and petitioners No.2 and 3 are in-laws of the complainant/respondent No.2. He submits that marriage of

petitioner No.1 was solemnized with complainant/respondent No.2 on 11.05.2019 and there is no child out of the wedlock. He submits that due to temperamental differences between them, they have been staying separately since January, 2020. He submits that marriage between the parties has been dissolved by judgment and decree dated 02.02.2022, Annexure P-2, by mutual consent and agreed permanent alimony of Rs.4 lacs stands paid to the complainant/respondent No.2.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by him from ASI Satnam Singh, the matter is under investigation. Mr. Narinder Kumar Awasthi, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 09.03.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 06.05.2022.”

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

“1. There are total three accused persons arraigned in the FIR and all three have appeared before the Court and made their statements and no accused is absconding or P.O in this case.

2. The name of complainant and aggrieved is Ranjit Kaur and she appeared before the Court and recorded her statement in support of the compromise.

3. The matter has been pending for awaiting challan.

4. The compromise is genuine, voluntary and without any coercion or undue influence as per the statements of the parties.

5. As per statement of I.O., no other criminal case is pending against accused persons.”

It is evident that FIR (Annexure P-1) is a fallout of matrimonial dispute, which has been resolved and the marriage has been dissolved. In view of above backdrop, report of the Trial Court as well as judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** , **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582**, **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and the same deserve to be set aside.

Accordingly, the petition is allowed. FIR No.19 dated 07.03.2021 registered under Sections 406/498-A/120-B of Indian Penal Code, 1860, at Police Station Khalra, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

May 19, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes