

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(133+290)

CRM-M-9319-2022(O&M)-
Date of Decision:- 06.12.2022

Rajan Salaria @ Rajan and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhavesh Aggarwal, Advocate for the applicants-petitioners.

Mr. Jashanpreet Singh, DAG, Punjab for State-respondent No.1.

Mr. Ashish Aggarwal, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-47204-2022

Application is allowed as prayed for.

Judgment and decree dated 31.08.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-3.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.23 dated 01.02.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, District Police Commissionerate Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 23.02.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 20.04.2019 at District Hoshiarpur and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties could not adjust with each other and have been staying separately since January, 2021. Counsel submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment, Annexure P-3, and entire permanent alimony of Rs.6 lacs has been paid.

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

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 04.03.2022, 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:-

“1. It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, there are three persons namely Rajan Salaria @ Rajan, Jarnail Singh and Swaran Devi are arraigned in the present FIR and these three accused were (sic have) appeared before this Court for recording their statement. They have not been declared as Proclaimed Offender and as per statement of Investigating Officer, there is no other

- criminal case pending against these accused.*
2. *Further, as per the statement of Investigating Officer, only respondent No.2 namely Shivani @ Chandni Salaria is complainant/injured/aggrieved in the present FIR and she was appeared and made her statement in support of the compromise.*
3. *In the present case, only FIR has been presented and no charge-sheet has been submitted by the Police.*
4. *So, from the statements of the parties, it appears to the Court that the parties have been compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.”*

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping 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 ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court is of the opinion that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.23 dated 01.02.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, District Police Commissionerate Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

06.12.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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