

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208-3

CRM-M-9632-2022

Date of decision:03.08.2022

Saminder Pal and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Randeep Singh, Advocate for
Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Ms. Sheenam Kamboj, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 07.03.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.227 dated 09.11.2021 under Sections 498-A/406/354-B/323/341/506/149/120-B of IPC, 1860, (later on, Section 354-B of IPC was deleted) registered at Police Station Dinanagar, District Gurdaspur, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 22.02.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that marriage of petitioner No.3 was solemnized with the complainant/respondent No.2 on 16.01.2016 and a son was born out of the wedlock, who is aged 05 years. He submits that FIR, Annexure P-1, is an outcome of a trivial issue, which has been settled by virtue of compromise, Annexure P-2, and the parties are residing together. He submits that the other petitioners are the relatives of petitioner No.3.

Notice of motion.

On asking of the Court, Mr. V.G. Jauhar, Senior DAG, Punjab, accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Rakesh Kumar, State counsel submits that the matter

is under investigation. Ms. Sheenam Kamboj, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed Power of Attorney in Court, which is taken on record. She 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 10.05.2022 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 03.08.2022.”

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

“(I) As per the statements of parties and Investigating Officer, accused namely Saminder Pal Singh, Madhu @ Madhu Saini, Gaurav Saini, Davinder Pal, Rama @ Rama Saini, Nandini and Rishab were arraigned in the FIR and they are not absconding/proclaimed offenders and no proclaimed offenders proceedings are pending against them and they have appeared before the Court of undersigned and have made their statements.

(II) Complainant Shally Saini is the only injured/aggrieved person in the present case.

(III) As per report of Ahlmad, no police challan and remand papers are pending in the present FIR.

(IV) The compromise is genuine, voluntarily and without any coercion and undue influence.

(V) As per the statements of accused persons and Investigating Officer, no any other criminal case is pending against accused persons except the present case.”

It is evident that the dispute essentially arose out of a petty matrimonial issue, which has been settled and the couple has ironed out their differences and are living together. In view of this development, report of the trial court and the judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the view that continuation of criminal proceedings would be an exercise in futility.

Accordingly, petition is allowed. FIR No.227 dated 09.11.2021 registered at Police Station Dinanagar, District Gurdaspur, Annexure P-1, under Sections 498-A/406/354-B/323/341/506/149/120-B of IPC, 1860, however, Section 354-B of IPC was deleted later on, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

03.08.2022

sheetal

**(SUVIR SEHGAL)
JUDGE**

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