

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(272)

CRM-M-9560-2022
Date of Decision:- 03.08.2022

Ramandeep Singh Sidhu

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Deepti Rampal, Advocate for
Mr. Munish Puri, Advocate the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent No.1.

Mr. Manjeet Singh, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 07.03.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.163 dated 25.09.2020 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Division No.1, District Pathankot (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 09.12.2021 (Annexure P-2).

Counsel for the petitioner submits that petitioner is the husband of the complainant-respondent No.2 and FIR is an outcome of trivial matrimonial dispute between them, which has been settled by virtue of compromise (Annexure P-2). He submits that couple is now residing together under one roof and they have resolved all their differences. Still further, by referring to the Certificate (Annexure P-3) issued by PGIMER, Chandigarh, counsel submits that the petitioner has 84% disability and is not in a physical condition to personally appear before the Trial Court. By referring to para 2 of the affidavit of the petitioner, counsel submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Ms. Ishneet Kaur, AAG, Punjab accepts notice on behalf of respondent No.1. She has instructions from ASI Balbir Singh to state that on completion of investigation, final report has been submitted but no proceedings have taken place thereafter.

Mr. Manjeet Singh, Advocate appears on behalf of the complainant-respondent No.2 and has filed his 'Power of Attorney', which is taken on record. He has admitted the factum of compromise as well as submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 10.05.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate shall submit a report 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 Trial Court/Illaq Magistrate be awaited for 03.08.2022.

As the petitioner is physically handicapped, the Trial Court shall get the statements of the parties recorded through the medium of video conferencing after making necessary arrangements for the same. The parties shall be identified before the Trial Court by the counsel representing them.”

Upon instructions received from ASI, Narinder Singh, State counsel submits that the challan has been presented on 18.05.2022 against the accused-petitioner, who is the husband of the complainant.

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

“4. From the statements made by the parties, this Court is satisfied that complainant Shobha has entered into

compromise with accused Ramandeep Singh Sidhu voluntarily without any inducement, coercion or pressure.

5. Further as per record only one accused Ramandeep Singh Sidhu has been arraigned in the FIR and he has appeared before this Court for making his statement. It is also submitted that there is only one complainant i.e. Shobha, who has suffered a statement before this Court. The challan/police report has not been presented till date. No accused has been declared as absconder or proclaimed offender in the case in hand and no other criminal case is pending against the accused.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and the parties are cohabiting together.

In view of the statement of the parties, report of the Trial Court and the judgments of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and ***Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, this Court is of the view that continuation of the criminal proceedings would be a futile exercise.

Accordingly, the petition is allowed. FIR No.163 dated 25.09.2020, registered for offences under Sections 406 and 498-A of Indian Penal Code, 1860 at Police Station Division No.1, District Pathankot, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

03.08.2022
Kamal

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