

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(259)

CRM-M-10931-2021
Date of Decision:- 27.10.2022

Bittu Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ankit Grewal, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Amar Jeet, Advocate for
Mr. Manpreet Singh, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0065 dated 05.06.2020, registered for offences under Sections 498-A, 406, 323 and 149 of the Indian Penal Code, 1860, at Police Station Pasyana, Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 12.02.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband of complainant-respondent No.2 and petitioners No.2 to 5 are the relatives of petitioner No.1. He submits that FIR, Annexure P-1, is a fallout of a petty matrimonial dispute, which has been amicably settled by virtue of

compromise, Annexure P-2, and the parties are happily residing together at their matrimonial home.

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

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and while drawing the attention of the Court to para 5 of the compromise, has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 09.03.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for on the following aspects:-

- “i) The number of accused arrayed in the FIR, how many have appeared before it, have made statements and whether any accused is absconding/P.O. in the case;*
- ii) The name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise is genuine, voluntary and out of free will of the parties.”*

Report has been received and its relevant extract is as under:-

“As per the statement of the parties and Investigating Officer, the compromise appears to be genuine, voluntary and without any coercion or undue influence. The present FIR was lodged against accused Bittu Singh, Darshan Singh @ Darshi, Gogi Kaur, Baljinder Kaur, Sunny (sic Sunny) Singh @ Soni only at the instance of complainant/victim Sharanjit Kaur @ Seema Kaur. As per Investigating Officer, no PO proceedings are pending against any of accused persons & the accused Bittu Singh, Darshan Singh @ Darshi, Gogi Kaur, Baljinder Kaur, Sunny Singh @ Soni are not involved in any other FIR.”

It is evident from the above that matrimonial dispute has been amicably settled and the parties are living together under one roof.

Keeping in view the above development, report of the Trial Court and the judgments of 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 Gujarat and another (2017) 9 SCC 641*, this Court is of the opinion that keeping the criminal proceedings alive would be an exercise in futility.

Accordingly, the petition is allowed. FIR No.0065 dated 05.06.2020, registered for offences under Sections 498-A, 406, 323 and 149 of the Indian Penal Code, 1860, at Police Station Pasyana, Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

27.10.2022
Kamal

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