

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-8395-2020

Date of decision:18.04.2022

Gurpreet Singh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. B.B.S. Randhawa, Advocate for
Ms. Manu Loona, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.53 dated 14.03.2019 under Sections 323, 406, 498-A and 506 of IPC, 1860, registered at Police Station Women, Yamuna Nagar, District Yamuna Nagar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of settlement/compromise dated 07.01.2020, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband of the complainant/respondent No.2 and petitioners No.2 to 6 are the relatives of petitioner No.1. He submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 28.04.2013 and FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been settled by virtue of settlement/compromise, Annexure P-2, arrived at before the Mediation and Conciliation Centre of this Court. He submits that petitioner No.1 and the complainant/respondent No.2 are residing

together, both of them have appeared and their statements have been recorded in support of the compromise before the Trial Court.

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

Counsel for the complainant/respondent No.2 has admitted the factum of compromise as also the fact that the parties are cohabiting together.

Heard counsel for the parties.

Vide order dated 26.02.2020, this Court directed the parties to appear before the Area Magistrate/Trial Court and get their statements recorded regarding the compromise. Report has been received and its relevant extract is reproduced as under:-

“1. 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;

As per the statement/report of Investigating Officer, present FIR No. 53 dt. 14.03.2019 U/s 323, 406, 498-A, 506 of IPC was registered in Police Station Women, District Yamuna Nagar, was registered against six accused persons namely Gurpreet Singh, Inderjeet Kaur, Kulwinder Singh, Dharampal, Om Parkash@ Nikka and Shakuntala @Guddi.

Apart from the aforesaid accused, there is no other accused person who has been declared as proclaimed person or is absconding.

All the accused namely Gurpreet Singh, Inderjeet Kaur, Kulwinder Singh, Dharampal, Om Parkash @ Nikka and Shakuntala @ Guddi have appeared and got recorded their statements.

2. 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;

As per the statement/report of Investigating Officer, the complainant in the present case is Parminderjeet Kaur. There is no other aggrieved person in the present FIR. Complainant Parminderjeet Kaur appeared and her statement as to compromise was recorded.

3. The stage of trial/proceedings;

As per the statement of Investigating Officer, Final report under section 173 Cr.P.C has not yet been filed.

4. If the compromise is genuine, voluntary and out of free will of the parties;

With regard to compromise between the parties, it is submitted that before recording the statements, parties were also orally questioned by the undersigned regarding genuineness and validity of the compromise and they stated that they have entered into the compromise voluntarily and with free will. In my view the compromise is genuine, and the parties have entered the compromise with free-will without any undue influence or coercion.”

It is apparent that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled and the parties are living together in their matrimonial home. In view of the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543***, this Court is of the view that keeping the criminal proceedings alive would be an exercise in futility and setting them aside will enable the parties to lead a peaceful and harmonious married life.

Accordingly, petition is allowed. FIR No.53 dated 14.03.2019 under Sections 323, 406, 498-A and 506 of IPC, 1860, registered at Police Station Women, Yamuna Nagar, District Yamuna Nagar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

18.04.2022
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(SUVIR SEHGAL)
JUDGE

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