

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CRM-32690-2022 IN/& CRM-M-10378-2022

Date of decision : 08.09.2022

Amarjit Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate
for the applicants-petitioners.

Mr. P.S.Grewal, DAG, Punjab respondent No.1

Mr. Supneet Singh, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

CRM-32690-2022

Noticing the prayer made in the application, it is allowed.

The date of hearing of the main case is advanced from 22.11.2022
to today and it is ordered to be taken on Board.

Along with the instant application, applicant-petitioner has
appended judgment and decree dated 07.04.2022 passed by the Principal
Judge, Family Court, Ferozepur as Annexure P-5, in a petition under
Section 13-B of Hindu Marriage Act, 1955. Although, there is no prayer for
placing it on the record, but the same are taken on record as Annexure P-5.

CRM-M-10378-2022

On 24.03.2022, this Court passed the following order in the main case:-

“Prayer in this petition is for quashing of FIR No.16 dated 03.09.2021 under Sections 498-A, 406 and 323 of IPC, 1860, registered at Police Station Women, District Ferozepur, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of panchayati compromise/settlement dated 24.01.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.2 is the husband of complainant/respondent No.2, petitioners No.1, 3 and 4 are relatives of petitioner No.2. He submits that marriage of petitioner No.2 was solemnized with complainant/respondent No.2 on 09.10.2010 and two children were born out of the wedlock, but due to irrevocable differences between them and different temperament, they could not pull along and have been staying separately for the last more than 1 ½ years. He submits that the matrimonial dispute has been settled by virtue of panchayati compromise, Annexure P-2, and a petition has been filed under Section 13-B of the Hindu Marriage Act, 1955, seeking divorce by mutual consent. Counsel has made a reference to the first motion recorded in the divorce petition to submit that the petitioner

No.2 has agreed to pay a sum of Rs.22 lacs as permanent alimony, out of which Rs.12 lacs has been paid and the balance is to be paid at the time of recording of the second motion in August 2022.

Notice of motion.

On asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per information received by him from ASI Pritam Singh, the matter is under investigation and none of the accused-petitioners have been declared as Proclaimed Offender. Mr. Supneet Singh, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Vakalatnama, which is taken on record. He 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 Area Magistrate/Trial Court on 04.05.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area 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 Area Magistrate/Trial Court be awaited for 18.08.2022.

Judgment and decree of divorce passed under Section 13-B of the Hindu Marriage Act, 1955, be placed on the record before the next date.”

Counsel for the petitioners submits that balance amount of Rs.10,00,000/- has been paid and by referring to the judgment and decree, Annexure P-5, he asserts that marriage has been dissolved by mutual consent. These facts have been ascertained by the counsel for complainant-respondent No.2 and he has submitted that respondent No.2 does not have any objection in case the petition is allowed.

Heard counsel for the parties.

Pursuant to the above reproduced order, report has been received from the Trial Court and relevant extract of which is as under:-

“i. As per the statement of ASI Pritam Singh No.936/FZR P.S.Women Ferozepur there are only four accused namely Amarjit Kaur, Prabhjot Singh, Amanpreet Singh and Jaspreet Singh arrayed in the FIR and they all appeared in the Court and made their statements. No accused is declared as proclaimed offender in the present case and no other criminal case is pending against above accused.

ii. As per the statement of ASI Pritam Singh No.936/FZR P.S.Women Ferozepur, Harpreet Kaur is the complainant in the present case and she has made statement in the Court.

iii. No paper is pending before the Court.

iv. As per the statement of ASI Pritam Singh No.936/FZR P.S.Women Ferozepur, no other criminal case is pending against the accused.

v. From the statement of the parties, the compromise seems to be genuine and voluntary.”

Considering the fact that FIR, Annexure P-1 is an outcome of the matrimonial dispute, which has been settled and marriage has been dissolved, this Court is of the opinion that continuation of the criminal proceedings would not serve any purpose.

Keeping in view the dictum of the Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235 and Ramgopal and another Versus***

The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322, petition is allowed. FIR No.0016 dated 03.09.2021, registered for offences under Sections 498-A, 406 and 323 of the Indian Penal Code, 1860, at Police Station Women, District Ferozepur, Annexure P-1, as well as all consequential proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

08.09.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes