

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(129+291)

CRM-M-10836-2022(O&M)-
Date of Decision:- 06.12.2022

Jarnail Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. A.K.Walia, Advocate for the applicant-petitioner.

Mr. Jashanpreet Singh, DAG, Punjab for State-respondent No.1.

Mr. M.M.Pandey, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-44477-2022

Application is allowed as prayed for.

Judgment and decree dated 21.07.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-5.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.94 dated 19.04.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Ambala Sadar, District Ambala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 09.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that petitioner's marriage was solemnized with complainant-respondent No.2 on 09.02.2014 at District Ambala and a son was born out of the wedlock. He submits that due to temperamental differences, the parties could not adjust with each other and have been staying separately since April, 2016. Counsel submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment, Annexure P-5, and entire permanent alimony of Rs.14 lacs has been paid as well as articles have been exchanged. Still further, he submits that custody of the child is to remain with complainant-respondent No.2.

Upon instructions, State counsel submits that although number of persons were named as accused, but on investigation, challan has been presented and charge has been framed against accused-petitioner. Still further, upon instructions, he states that trial is underway and some prosecution witnesses have been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and the receipt of entire permanent alimony as well as articles. He has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 14.03.2022, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“

<i>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?</i>	<i>In the present case, only one accused named above has been charge-sheeted/challaned in this case. As per the statement of Retd. SI Mehal Singh, accused has not been declared proclaimed offender/ person in this case.</i>
<i>The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise.</i>	<i>As per statement of Retd. SI Mehal Singh, there is only one complainant/ affected/ aggrieved party i.e. Vijender Kaur in the present FIR. Her statement of compromise has been recorded.</i>
<i>The stage of trial/proceedings</i>	<i>The case in hand is fixed for the evidence of prosecution.</i>
<i>If the compromise is genuine, voluntary and out of free will of the parties</i>	<i>Both the parties have admitted that the compromise have (sic has) been effected by them without any pressure and it appears to be genuine and valid. I am satisfied that the compromise have (sic has) been arrived at with the free consent of the parties and without any undue influence or coercion from any side.</i>
<i>Whether any other criminal case is pending against the accused</i>	<i>As per the statement of Retd. SI Mehal Singh, in Police Station P.S. Sadar, no other criminal case is pending against the accused.”</i>

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

Keeping in view the above developments, report of the Trial Court and the judgments of 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 keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.94 dated 19.04.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Ambala Sadar, District Ambala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

06.12.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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