

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120+259)

CRM-M-9286-2020 (O&M)

Date of Decision:- 30.05.2022

Surishta Devi and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dinesh Nagar, Advocate
for the applicants-petitioners.

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

Mr. Gaurav, Advocate for
Ms. Vibha, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-12916-2022

For the reasons given in the application, it is allowed.

Hearing of the main case, which stands admitted, is ordered to be
taken up today itself.

CRM-17780-2022

For the reasons given therein, application is allowed.

Judgment and decree of divorce dated 16.03.2017 passed under
Section 11 of the Hindu Marriage Act, 1955 is taken on record as Annexure
A-1.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.152 dated 06.10.2016, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station City Nawanshahar, District SBS Nagar, Annexure P-1, on the basis of compromise deed dated 10.02.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the petitioner No.1 is the mother-in-law and petitioner No.2 is the husband of complainant-respondent No.2. He submits that marriage of petitioner No.2 was solemnized with complainant-respondent No.2 on 13.07.2013 and there is no issue out of the wedlock. Counsel submits that FIR, Annexure P-1, is an outcome of a marital discord between the parties. He urges that as petitioner No.2, who was abroad, and was not served with summons, could not join the proceedings, he was declared as a proclaimed offender on 28.03.2019. Counsel submits that the petitioner No.2 challenged the said order by filing CRM-M-4816-2022 and in compliance of the interim order, he surrendered before the Trial Court, joined the proceedings and was released on regular bail on 22.03.2022. He submits that marriage already stands annulled and in terms of the compromise, petitioner No.2 has paid Rs. 5 Lakhs as permanent alimony to the complainant-respondent No.2.

Upon instructions received from ASI, Harjinder Pal, State counsel submits that in so far as petitioner No.1 is concerned, challan against her was presented in 2017 and charge was framed. He submits that as petitioner

No.2 was declared as a proclaimed offender, supplementary challan against him was presented in 2022, on his joining the proceeding, but charge is yet to be framed.

Counsel representing complainant-respondent No.2 does not dispute the assertion of counsel for the petitioners and supports the prayer made. Counsel further submits that complainant-respondent No.2 has remarried.

Heard counsel for the parties.

Vide order dated 09.07.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded regarding the compromise. A report was called for from the Court concerned regarding the genuineness of the compromise as also as to whether any of the parties has been declared as a proclaimed offender. Report has been received and its relevant extract is as under:-

“From the statements made by the parties, this Court is satisfied that the complainant Sarita Kumari and the accused/petitioners No.1 Surishta Devi and Arundeeep through Special Attorney Holder namely Anil Joshi have entered into compromise voluntarily, without any inducement, coercion or pressure etc. Furthermore, as per the statement of IO ASI Pavinderjit that there are two accused namely Sushita Devi @ Surishta Devi and Arundeeep in FIR No.152 dated 06.10.2016, under Section 406 and 498-A of IPC, Police Station City Nawanshahar and accused Arundeeep has been declared as proclaimed person in this case vide order dated 28.03.2019 passed by learned Court of Sh. Yukti Goyal, the then Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar.”

FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been amicably settled, entire permanent alimony has been paid and complainant-respondent No.2 has resettled in life.

In view of the above backdrop and report of the Trial Court as well as the judgments of Supreme Court in *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*, *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.152 dated 06.10.2016, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station City Nawanshahar, District SBS Nagar, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

30.05.2022
Kamal

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