

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(267)

CRM-M-9536-2020

Date of Decision:- 31.08.2022

Sukhwinder Kaur and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab for State-respondent No.1.

Mr. Rajinder Yadav, Advocate for
Mr. Varun Sharma, 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.47 dated 14.05.2016, registered for offences under Sections 406, 498-A and 323 of the Indian Penal Code, 1860, at Police Station Women Cell, District Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 29.01.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioners No.1 and 2 are the parents-in-law, petitioner No.3 is the sister-in-law and petitioner No.4 is the husband of complainant-respondent No.2. He submits that marriage of petitioner No.4 was solemnized with complainant-respondent No.2 on

28.01.2015 at Jalandhar, but due to temperamental differences, they parted ways. Counsel submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2, which is supported with an affidavit, Annexure P-3, executed by the complainant-respondent No.2. He submits that in terms of the settlement, marriage has been dissolved by judgment and decree, Annexure P-5, and the entire permanent alimony of Rs.15 lacs has been paid. He submits that there is no issue out of the wedlock. Still further, he submits that petitioner No.4, who was settled in Italy and came to India solely for the purpose of marriage in the year 2015 and went back immediately thereafter. He was declared as a proclaimed person vide order dated 19.12.2016, which was successfully challenged in CRM-M-43503-2020. By referring to order dated 31.03.2022 passed by this Court, counsel submits that the order dated 19.12.2016 has been set aside and petitioner has deposited cost of Rs.25,000/- with the Punjab and Haryana High Court Bar Association (Benevolent Fund), Chandigarh in compliance of order passed by this Court. He submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions, State counsel submits that the trial is underway and some prosecution witnesses have been examined.

Counsel representing complainant-respondent No.2, besides admitting the factum of compromise, submits that complainant-respondent No.2 has received the entire amount under the compromise.

Heard counsel for the parties.

Vide order dated 05.03.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded and a report was called for regarding the genuineness of the compromise and also as to whether P.O. proceedings are pending against any of the party.

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

“It is respectfully submitted that the aforesaid FIR was lodged by the complainant Sukhpreet Kaur wife of Lovejit Singh and daughter of Kuldeep Singh against the accused Lovejit Singh, Bhag Singh, Sukhwinder Kaur and Sarabjit Kaur. Keeping in view all aspects and statements of the complainant and accused, I am of the considered view that compromise effected between the parties is voluntarily, genuine and without any coercion or undue influence. Also, the statements of the parties are bonafide and are not result of any threat or coercion. Further, in regard to information with regard to pendency of P.O. proceedings against any of the party, report of concerned SHO was called who has reported that accused Lovejit Singh son of Bhag Singh was declared P.O. in the present case by the Court on 19.12.2016.”

It is clear from the above that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled and marriage has been dissolved. Although, petitioner No.4 was declared as a proclaimed offender, but that order has been set aside by this Court.

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the criminal proceedings.

Resultantly, the petition is allowed. FIR No.47 dated 14.05.2016, registered for offences under Sections 406, 498-A and 323 of the Indian Penal Code, 1860, at Police Station Women Cell, District Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

31.08.2022
Kamal

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