

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

CRM-M-14051 of 2021
Date of decision:27.09.2022

Bakhsheesh Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sahej Mahajan, Advocate
for the petitioners.

Mr. Vipin Pal Yadav, Addl.A.G., Punjab.

Mr. Varun Sharma, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 26.03.2021, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.56 dated 19.02.2019 (Annexure P-1) registered under Section 498-A of Indian Penal Code, 1860 at Police Station P.S.Women, Ludhiana, alongwith all consequential proceedings arising therefrom, on the basis of the compromise dated 15.03.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of marital discord between petitioner No.1 and his wife, respondent No.2. He submits that FIR (Annexure P-1)

was lodged by the father-in-law of petitioner No.1, who has expired. He has referred to para No.6 of the petition to submit that none of the petitioners have been declared as Proclaimed Offender by any Court.

Notice of motion.

On asking of the Court, Mr. Jagmohan Singh Ghumman, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1 and Mr. Varun Sharma, Advocate, appears on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Duty Magistrate/Illaq Magistrate on 03.05.2021 for getting their statements recorded with regard to the compromise. The Duty Magistrate/Illaq Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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 Duty Magistrate/Illaq Magistrate be awaited for 11.08.2021.”

Report has been received pursuant to above reproduced order and its relevant extract is as under:-

“1. It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, only petitioner No.1 namely Bakhsheesh Singh is arraigned as accused in the present FIR and he and petitioners No.2 to 4 are (sic have) appeared before the Court and made their joint statement. The accused Bakhsheesh Singh has not been declared absconding/Proclaimed Offender in this case nor any other criminal case is pending against him. The charge-sheet has been presented only against accused Bakhsheesh Singh .

2. Further, as per the statement of Investigating Officer, the name of the complainant is Sh. Balwinder Singh, who was (sic) died on 13.06.2020 and the name of the aggrieved person is Kirandeep Kaur and she has appeared before the Court to get recorded her statement in support of the compromise between the parties.

3. The case was pending for prosecution evidence.

4. So, from the statements of the parties, it appears to the

Court that the parties have been compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.”

Counsel representing the petitioners and victim-respondent No.2 have submitted that parties have ironed out relationship wrinkles and are living together under one roof with their child.

In view of the above development, report of the Trial Court and judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.56 dated 19.02.2019 (Annexure P-1) registered under Section 498-A of Indian Penal Code, 1860 at Police Station P.S.Women, Ludhiana, (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioners.

September 27, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>