

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

263

CRM-M-13705 of 2021
Date of decision:07.09.2022

Mani @ Mani Nahar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Neeraj Januha, Advocate for
Ms. Rishma Verma, Advocate
for the petitioner.

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

Ms. Jasneet Mehra, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., for quashing of FIR No.128 dated 26.12.2019 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Women Cell, Jalandhar (Annexure P-1) alongwith all consequential proceedings arising therefrom, on the basis of compromise deed dated 02.12.2020 (Annexure P-2).

Counsel for the petitioner submits that petitioner is the husband of the complainant-respondent No.2 and FIR (Annexure P-1) is a result of petty matrimonial dispute, which has been settled by compromise

(Annexure P-2) and the parties are living together alongwith their daughter.

Upon instructions from ASI Shish Pal, State counsel submits that on conclusion of investigation, challan has been presented, but the charge is yet to be framed.

Counsel for the complainant-respondent No.2 has admitted the factum of compromise and statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 25.03.2021, this Court directed the parties to appear before the Trial Court/Duty Magistrate for getting their statements recorded with regard to compromise and a report was called for, on the following points:-

- “i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.”*

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

- (i) It is humbly submitted that I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter and have also complied with its terms and conditions. As such, in view of the statements of the parties as well as after their examination*

in the Court, I am of the view that compromise has been validly effected between the parties to the abovesaid FIR as per their free will and without any kind of pressure, threat or undue influence.

(ii) It is humbly submitted that there is only one accused in the present case namely accused Mani @ Mani Nahar and he is regularly appearing before the Court and is on bail.

(iii) It is humbly submitted that as per statements suffered by the parties, no other proceeding are pending against the accused nor the accused has been declared proclaimed offender by any Court till date.”

Considering the fact that parties have ironed out their relationship wrinkles and are living together with their child under one roof, report of the Trial Court as well as judgments of Supreme Court in **Gold Quest International Private Limited Vs. 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 is of the opinion that keeping the criminal proceedings alive would hamper the peaceful and harmonious life of the parties and setting aside the criminal proceedings would enable them to lead an uneventful life.

Accordingly, the petition is allowed. FIR No.128 dated 26.12.2019 registered under Sections 406, 498-A of Indian Penal Code,

1860 at Police Station Women Cell, Jalandhar (Annexure P-1) alongwith all consequential proceedings arising therefrom, are quashed qua the petitioner.

September 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

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