

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M-13150 of 2022
Date of decision:07.09.2022

Hari Aggarwal

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit Saini, Advocate for
Mr. Kiran Kumar, Advocate
for the petitioner.

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

Mr. Ankur Pandey, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 30.03.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.37 dated 08.04.2021 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 28.07.2021 (Annexure P-2).

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 01.05.2013 and due to trivial issues, FIR (Annexure P-1) was lodged by the complainant. Counsel submits that

matrimonial dispute between the parties has been settled by virtue of compromise (Annexure P-2) and the couple is residing together. By referring to para 15 of the petition, counsel submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Palwinder Singh, he submits that final report under Section 173 Cr.P.C has been presented, but the charge has not been framed.

Mr. Ankur Pandey, Advocate, who appears on behalf of complainant-respondent No.2, has filed his 'Vakalatnama', which is taken on record. He has admitted the factum of compromise as well as statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 02.05.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Area Magistrate shall submit a report 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 Trial Court/Area Magistrate be awaited for 07.09.2022.”

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

“As per record the name of the complainant of the present case is Shimpi Gupta and except her there is no other complainant in this FIR. The name of the accused is Hari Aggarwal. Except him, there is no other person nominated by the police as accused. As per record, accused is neither involved in any other case nor declared proclaimed offender in any other criminal case. Case is pending for appearance of accused.

Both parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntary,

without any pressure or coercion. This Court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Keeping in view the fact that FIR (Annexure P-1) is an outcome of a petty matrimonial dispute, which has been settled, parties are living together and judgments of Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** 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 be an exercise in futility.

Accordingly, the petition is allowed. FIR No.37 dated 08.04.2021 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Jalandhar (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes