

CRM-M-14468 of 2021

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-M-14468 of 2021
Date of decision:26.07.2022**

Amandeep Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sahil Soi, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Sahibjit Singh Sindhu, Advocate for
Mr. A.S.Gagrha, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.133 dated 08.12.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the brother-in-law and petitioner No.3 is the mother-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 27.03.2016 at Patiala and a daughter was born out of

the wedlock. According to counsel, there were temperamental differences between the parties, who started living separately from July, 2018 and FIR (Annexure P-1) is an offshoot of a matrimonial dispute. He submits that dispute has been settled by way of compromise, which is reflected from the statements of the parties recorded before the Family Court in support of the joint petition filed by them under Section 13-B of Hindu Marriage Act, 1955. Counsel submits that all the claims between the parties have been settled, litigation pending between them, have been withdrawn and marriage has been dissolved by judgment and decree dated 31.05.2022, which has been placed on record.

Upon instructions from ASI Baljinder Singh, State counsel submits that all the three petitioners are the accused and the trial against them is pending.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 01.04.2021, this Court directed the parties to appear before the Area Magistrate/Duty Magistrate for recording of their statements in support of the compromise and a report was called for regarding the genuineness of the compromise as also any of the parties has been declared as PO. This Court has also sought information regarding presentation of the challan. Report has been received from the Trial Court and its relevant extract is as under:-

“1. The FIR in question has been registered u/s 406, 498-A IPC against three accused namely Amandeep Singh, Jatinder Singh @ Sonu and Inderjit Kaur and challan report u/s 173 Cr.P.C has been presented in the Court on 29.05.2019 u/s 406, 498-A IPC against accused Amandeep Singh, Jatinder Singh @ Sonu and Inderjit Kaur.

2. Apart from aforesaid three accused, no other person has been nominated as an accused in the challan report and further no cross case has been registered or pending against complainant Harveen Kaur.

3. No accused has been declared proclaimed offender and further no such proceedings are pending against them.

4. From the statement recorded by the parties, this Court is satisfied that respondent/complainant Harveen Kaur and petitioners/accused Amandeep Singh, Jatinder Singh @ Sonu and Inderjit Kaur have entered into compromise voluntarily and with their free will and without any coercion or undue influence.”

It is evident that the above FIR (Annexure P-1), is a result of matrimonial dispute, which has been resolved and the marriage has been dissolved.

Keeping in view these developments, report of the Trial Court and judgments of the Supreme Court in **Madan Mohan Abbot Versus**

State of Punjab (2008) 4 SCC 582 and Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641, this Court is of the view that continuation of criminal proceedings would be an exercise in futility and it is a fit case to exercise inherent powers under Section 482 Cr.P.C., to quash the criminal proceedings.

Accordingly, the petition is allowed. FIR No.133 dated 08.12.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

July 26, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes