

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278

CRM-M-13130 of 2022
Date of decision:09.11.2022

Amit Kumar and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Varinder Basa, Advocate
for the petitioners.

Mr. Jasmanpreet Singh, DAG, Punjab.

Mr. Kavinder Singh, Advocate for
Mr. Yaseen Sethi, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 29.03.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.270 dated 03.12.2020 under Section 498-A of IPC, 1860, (Section 406 of IPC was added later on) registered at Police Station City Batala, District Batala, Gurdaspur, Punjab, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 23.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is mother-in-law and petitioner No.3 is brother-in-law of the complainant/respondent No.2. He

submits that the marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 30.01.2020 and no child was born out of the wedlock, but due to matrimonial dispute within a few days of marriage, the parties have been residing separately since 25.02.2020. He submits that the dispute between the parties has been settled by virtue of compromise, Annexure P-2, whereunder articles in possession of the parties have been exchanged and in terms of the compromise, a petition seeking divorce by mutual consent has been instituted under Section 13-B of the Hindu Marriage Act, 1955. Counsel submits that a sum of Rs.50,000/- has been paid to the complainant/respondent No.2 at the time of recording of the first motion and the balance Rs.2 lacs is to be paid at the time of recording of second motion on 08.04.2022.

Notice of motion.

On asking of the Court, Mr. A.S. Gill, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State. He has instructions to submit that investigation is complete, final report has been presented, but charge has not been framed. Mr. Yaseen Sethi, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Power of Attorney in Court. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to

appear before the Area Magistrate/Trial Court on 08.04.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 Area Magistrate/Trial Court be awaited for 07.05.2022.

Judgment and decree passed under Section 13-B of the Hindu Marriage Act, 1955, be placed on record before the next date.”

Counsel for the petitioners submits that entire permanent alimony has been paid and marriage has been dissolved by judgment and decree dated 13.05.2022 (Annexure P-3). He submits that parties have

appeared before the Trial Court in compliance of the order passed by this Court and their statements have been recorded.

Upon instructions from ASI Rachpal Singh, State counsel submits that final report has been presented on conclusion of investigation, but the charge has not been framed.

Counsel for the complainant-respondent No.2 has admitted the receipt of entire permanent alimony of Rs.2.50 lacs and does not oppose the prayer made in the petition.

Heard counsel for the parties.

Pursuant to above reproduced order, report has been received from the Trial Court and its relevant extract is as under:-

“i) That, as per statement of ASI Rashpal Singh, No.3081/Btl, PS City Batala, investigating officer, three persons namely Amit Kumar s/o Om Parkash, Usha Rani w/o Om Parkash and Ashok Kumar s/o Om Parkash have been arrayed as accused in the said FIR. He further stated that in the present FIR, neither the accused have been declared as proclaimed person/offender nor any P.O., proceedings were pending against them. All the three accused persons namely Amit Kumar s/o Om Parkash through his general power of attorney Om Parkash s/o Ghiana Ram, Usha Rani w/o Om Parkash and Ashok Kumar s/o Om Parkash appeared in the Court for recording of their statements.

ii) That, as per statement of ASI Rashpal Singh,

No.3081/Btl, P.S.City Batala, investigating officer, apart from complainant/respondent No.2 Kirandeep w/o Amit Kumar, there is no other injured/aggrieved person in the present FIR.

iii) As per record, in the present FIR, challan has been presented in the Court on 09.11.2021 and the case was fixed for 08.04.2022 for consideration on charge.

iv) In view of the statements suffered by both the parties, this Court is satisfied that the compromise effected between the parties is genuine, voluntary and has been arrived at between the parties without any pressure, threat or coercion.

v) That, as per statement of ASI Rashpal Singh, No.3081/Btl, PS City Batala, investigating officer, no other FIR was registered against above named accused at P.S.City Batala, Police District Batala, District Gurdaspur.”

It is evident from the above that FIR (Annexure P-1) is fallout of a matrimonial dispute, which has been settled and parties have amicably parted ways.

Keeping in view the 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 prolonging the criminal proceedings would not serve any purpose, rather setting them aside would enable the parties to lead a peaceful life.

Accordingly, petition is allowed. FIR No.270 dated 03.12.2020 under Section 498-A of IPC, 1860, (Section 406 of IPC was added later on) registered at Police Station City Batala, District Batala, Gurdaspur, Punjab, (Annexure P-1) alongwith all consequential proceedings arising therefrom, are quashed qua the petitioners.

November 09, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes