

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115+261)

CRM-M-14432-2021 (O&M)

Date of Decision:- 27.10.2022

Anoop Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Aggarwal, Advocate
for the applicants-petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Suraj Kaundal, Advocate for
Mr. Nishan Singh Chahal, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-40103-2022

Application is allowed as prayed for.

Judgment and decree dated 01.10.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

CRM-19059-2022

Counsel for the applicant-petitioner seeks and is granted permission to withdraw the application.

Dismissed as withdrawn.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.70 dated 08.04.2017, registered for offences under Sections 420, 376, 498-A and 120-B of the Indian Penal Code, 1860 (for short "IPC"), however, later on Section 376, IPC was deleted vide DDR No.25 dated 10.08.2017, Annexure P-2, at Police Station Talwandi Sabo, District Bathinda, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 25.02.2021/08.03.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that petitioners No.1 and 2 are the parents-in-law and petitioner No.3 is the husband of complainant-respondent No.2. He submits that marriage of petitioner No.3 was solemnized with complainant-respondent No.2 on 20.01.2017 and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties have been living separately for the last more than four years. He submits that the matrimonial dispute has been settled by virtue of compromise, Annexure P-3, and in terms thereof, entire permanent alimony of Rs.16 lacs has been paid and marriage has been dissolved by judgment and decree, Annexure P-4. Counsel submits that although offence under Section 376, IPC was invoked, but it was subsequently deleted during investigation.

Upon instructions, State counsel submits that although five persons were named as an accused in the FIR, but on conclusion of

investigation, challan under Sections 420, 498-A and 120-B, IPC has been presented against the three accused-petitioners. He submits that charge is yet to be framed.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise as well as divorce and submits that the complainant-respondent No.2 has received the entire permanent alimony.

Heard counsel for the parties.

Vide order dated 07.04.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded 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:-

“3. It is further submitted that as per the statements of the parties, the compromise effected between the parties whose statements have been recorded in the Court, is genuine, voluntary and without any pressure, coercion or undue influence. It is further submitted that case was pending before this Court for prosecution evidence.

4. Accused/petitioner No.1, namely Anoop Singh and accused/petitioner No.2 Gurpreet Kaur were appearing before the Court. Accused/petitioner No.3 Surat Singh was kept in column No.2 of the police report and service of notice upon him under Section 105-B Cr.P.C. is pending against him, as he is residing abroad.

5. It is further submitted that in view of the statements of the parties and as per record no other proceeding is pending against the accused-petitioners.”

It is evident that FIR, Annexure P-1, is a result of bitterness and acrimony between an estranged married couple, which has been amicably settled by virtue of compromise, Annexure P-3. Parties have decided to bury their hatchet and lead separate lives.

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* 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 setting aside of the criminal proceedings would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.70 dated 08.04.2017, registered for offences under Sections 420, 376, 498-A and 120-B, IPC, however, later on Section 376, IPC was deleted vide DDR No.25 dated 10.08.2017, Annexure P-2, at Police Station Talwandi Sabo, District Bathinda, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

27.10.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No