

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(272)

CRM-M-14646-2021
Date of Decision:- 30.09.2022

Gurpreet Singh and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Abhinav Kalia, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

Ms. Ishita Jain, Advocate for

Mr. Ajay Chaudhary, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) for quashing of FIR No.0111 dated 26.05.2017, registered for offences under Sections 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Chhapar, District Yamuna Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 03.08.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 19.02.2016 in District Yamuna Nagar and there is no issue born out of the wedlock, however, due to temperamental

attitude and behaviour of the parties, they could not adjust with each other and parted ways. Counsel submits that FIR, Annexure P-1, which is an outcome of a marital discord, has been settled by virtue of compromise, Annexure P-2, and marriage has been dissolved by judgment and decree dated 16.02.2021, Annexure P-3. Still further, he submits that in terms of the settlement, entire permanent alimony of Rs.3.70 lacs has been paid.

Upon instructions, State counsel submits that prosecution evidence is underway.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise, supported the prayer made in the petition and submits that she has received the entire permanent alimony.

Heard counsel for the parties.

Vide order dated 01.04.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate and a report was called for regarding the authenticity of the compromise as also as to the number of accused involved and as to whether consent of any other person is required.

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

“Hence, it is concluded that the statements of parties (are) bona fide and is not the result of any undue influence, pressure or coercion in any manner and the compromise effected between the parties is genuine, voluntary and without any coercion, pressure or undue influence and is valid one.

2. *In the abovesaid FIR, SI, Surinder Kumar, PS Chhappar appeared and suffered a statement before this Court. As per his statement, in the present case bearing FIR No.0111/2017 as per record/police file, initially there were total three accused persons namely (1) Gurpreet Singh, (2) Gurbax Singh and (3) Amarjeet Kaur, out of them during*

investigation, accused namely Amarjeet Kaur has been kept in Column (khanna) No.2 and at present, accused persons namely (1) Gurpreet Singh and (2) Gurbax Singh are facing trial and except the abovesaid persons, no other person is involved in the present case.”

It is evident from the above that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled and marriage has been dissolved.

In view of the above backdrop, report of the Trial Court and the judgments of Supreme Court in ***Gold Quest International Private Limited Versus The 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 quashing of the criminal proceedings would go a long way in restoring peace amongst the parties. This Court is of the opinion that it is a fit case to exercise inherent powers vested in it under Section 482 of the Code.

Accordingly, the petition is allowed. FIR No.0111 dated 26.05.2017, registered for offences under Sections 354, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Chhapar, District Yamuna Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

30.09.2022
Kamal

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