

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134+301

CRM-M-13600 of 2022 (O&M)
Date of decision:07.12.2022

Harjit Singh and others

... Petitioners

Vs.

U.T.Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Amit Arora, Advocate
for the petitioners.

Mr. Deepinder Brar, Addl.P.P., U.T.Chandigarh.

Mr. Vishal Deep Goyal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.47179 of 2022

Application is allowed as prayed for.

Affidavit dated 18.11.2022 of the victim, who is the daughter
of the complainant, is taken on record as Annexure R-2/1.

Main Case

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure, 1973 for quashing of FIR No.94 dated 20.12.2020
registered for offences under Sections 498-A, 406 of Indian Penal Code,
1860, at Women Police Station, Chandigarh (Annexure P-1), alongwith all
subsequent proceedings arising therefrom, on the basis of compromise dated
21.03.2022 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.3 is the husband of Simran Pal Kaur Gill, daughter of the complainant-respondent No.2. He submits that petitioners No.1 and 2 are the parents of petitioner No.3. Counsel submits that marriage of petitioner No.3 was solemnized with Simran Pal Kaur Gill on 06.12.2017 and there is no issue out of the wedlock. Counsel submits that FIR (Annexure P-1), which is an outcome of a matrimonial dispute, has been settled by compromise (Annexure P-2) and the marriage has been dissolved, vide divorce judgment dated 11.05.2021 passed by the Queen's Bench (Family Division) Winnipeg Centre, Canada. He submits that parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Padam Singh, learned Additional Public Prosecutor appearing on behalf of U.T.Chandigarh submits that matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and submits that complainant's daughter Simran Pal Kaur Gill has sent her affidavit, which has been taken on record as Annexure R-2/1.

Heard counsel for the parties.

Vide order dated 01.04.2022, 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 various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“(1) On the basis of statement given by parties, this Court is of

the considered view that compromise between complainant and accused persons is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.

(2) Accused Harjit Singh and Ninderpal Kaur have appeared before the Court. Accused Harjit Singh i.e. father of accused Inderjit Singh Gill being SPA of accused Inderjit Singh Gill has appeared and made statement on behalf of accused Inderjit Singh Gill. Accused Harjit Singh and Ninderpal Kaur are on anticipatory bail. However, accused Inderjit Singh Gill is neither on bail nor has joined the investigation.

(3) As per statement of Investigating Officer of present case, no other proceeding is pending against the accused persons.”

During the pendency of the instant petition, Simran Pal Kaur Gill, daughter of the complainant has submitted an affidavit, Annexure R-2/1, relevant extract of which is reproduced as under:-

“1. That on the complaint of deponent's mother Shinder Pal Kaur, an FIR No.94 dated 20.12.2020 under Sections 406, 498-A IPC., 1860, Police Station Women, District Chandigarh was registered against Harjit Singh, Ninderpal Kaur and Inderjit Singh Gill.

2. That the differences arose between Inderjit Singh Gill and the deponent in Canada as such they could not pull along together and started residing separately in Canada and

thereafter since all the efforts of reconciliation between them failed as such the divorce petition was instituted by Inderjit Singh Gill in Canada and final order of divorce has already been passed on 11.5.2021 by the Queens Bench Family Court Winnipeg Centre Canada.

3. That now with the intervention of the respectables of society, the matter has been compromised by way of compromise/settlement dated 21.03.2022. Thereafter, a petition was filed in the Hon'ble High Court for quashing the FIR, which is now fixed for 07.12.2022. The deponent has no objection in case the Hon'ble Court quash the FIR. Moreover, the deponent has given General Power of Attorney to her mother Shinder Pal Kaur for perusing the case/FIR before Hon'ble Punjab and Haryana High Court Chandigarh and District Courts Chandigarh. The deponent has accepted the compromise and if the above mentioned FIR is quashed, the deponent will have no objection in it.”

It is evident that dispute is essentially a matrimonial one, which has been amicably settled, parties have parted ways and the marriage has been dissolved.

In view of these developments, report of the Trial Court and judgments of 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, without commenting upon the validity of the divorce judgment, this Court has no hesitation in setting aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.94 dated 20.12.2020 registered for offences under Sections 498-A, 406 of Indian Penal Code, 1860, at Women Police Station, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

December 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>