

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

280+144

CRM-M-13817-2022 (O & M)
Date of decision:01.12.2022

Sahil Singla

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Neesh Garg, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Ms. Aarzoo Singla, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-45785-2022

Application is allowed as prayed for.

Judgment and decree dated 20.09.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-3.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.51 dated 07.03.2020 under Sections 498-A and 406 of IPC, 1860, registered at Police Station City 2 Mansa, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 12.03.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant/respondent No.2 on 12.03.2018 at Mansa and a male child was born out of the wedlock. He submits that due to temperamental differences, they have been staying separately since September, 2019 and matrimonial dispute has been settled by virtue of compromise, Annexure P-2. Counsel submits that marriage has been dissolved by mutual consent vide judgment, Annexure P-3, and the entire permanent alimony of Rs.14 lacs has been paid.

Upon instructions from ASI Sukhminder Singh, State counsel submits that trial is underway, though only 01 prosecution witness has been examined.

Counsel for complainant/respondent No.2 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioner.

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 recording of their statements and a report was called for, which has been received and its relevant extract is as under:-

“It is most respectfully submitted that in compliance to the order dated 01.04.2022, passed by Hon'ble Punjab and Haryana High Court in CRM-M-13817 of 2022, the statement of ASI Gurcharan Singh No. 775/Mansa of P.S. City-II Mansa has been recorded regarding FIR No. 51 dated 07.03.2020, which was registered U/S 498-A, 406 IPC at P.S. City-II Mansa. According to his statement, the particulars of parties to this case are as under:

<i>Name of affected person</i>	<i>Name of accused</i>
<i>Neetika Garg wife of Sahil Singla son of Raj Kumar, resident of Sidhu Street, Ward No.10, Lalluana road Mansa, Tehsil and District Mansa and daughter of Munish Kumar now resident of Dina Nath Tyre Wali Gali, near Bus Stand Mansa, Tehsil and District Mansa. (complainant and affected person)</i>	<i>Sahil Singla son of Raj Kumar, resident of Sidhu Street, Ward No.10, Lalluana road Mansa, Tehsil and District Mansa.</i>

It is further submitted by him that the Investigation of this case has been completed and as per records, no accused has been got declared as Proclaimed Offender in this case.

The challan/final investigation report U/s 173 Cr.P.C has been presented in Court in this case and the trial is at the stage of recording the evidence of prosecution witnesses.

Statement of affected person Neetika Garg and statement of accused Sahil Singla recorded qua compromise. From the statements of complainant Neetika Garg and statement of accused Sahil Singla, it makes out that the parties of the present petition have compromised the matter with their free will and full senses, for their betterment. So this compromise between the parties to the petition appears to be genuine & valid and outcome of free consent of the parties and is without coercion from any quarter. ”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled and the parties have parted ways. Keeping in view the above development, report of the trial court and judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888,*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466,*** this Court is of the view that keeping the criminal proceedings alive would not serve any purpose.

Accordingly, petition is allowed. FIR No.51 dated 07.03.2020 under Sections 498-A and 406 of IPC, 1860, registered at Police Station City 2 Mansa, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

01.12.2022

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(SUVIR SEHGAL)

JUDGE

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