

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

290

CRM-M-13610-2022

Date of decision:22.09.2022

Amit Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhawesh Chaudhary, Advocate
for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Aseem Monga, Advocate for
Mr. Harish Mehla, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 31.03.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.62 dated 21.05.2021 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Women, District Jalandhar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 09.02.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant/respondent No.2 on 27.07.2018 and there is no child out of the wedlock. Counsel submits that it was the second marriage of the complainant/respondent No.2. He submits that due to temperamental differences, they have been staying separately for almost one year and all disputes have been settled by virtue of compromise, Annexure P-2. Counsel submits that in terms of the compromise, a petition under Section 13-B of the

Hindu Marriage Act, 1955, seeking divorce by mutual consent has been filed, first motion has been recorded and the second motion is to be recorded on 28.04.2022. As per his instructions, out of the permanent alimony of Rs.4.25 lacs, amount of Rs.2.15 lacs has been paid at the time of recording of the first motion and the balance is to be paid at the time of recording of the second motion. By referring to Para 09 of the petition, counsel submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of respondent No.1-State. As per his instructions from ASI Mangat Singh, final report under Section 173 of Cr.P.C. has been filed, but charge has not been framed. Mr. Harish Mehla, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Memorandum of Appearance in Court, which is taken on record. He admits the factum of compromise as well as statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 28.04.2022 or on 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 18.05.2022.

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

By referring to the judgment and decree dated 05.05.2022, Annexure P-4, counsel for the petitioner submits that marriage has been dissolved by mutual consent and the entire permanent alimony of Rs.4.25 lac has been paid.

Counsel for the complainant/respondent No.2 has affirmed this fact.

Heard counsel for the parties.

Report has been received from the trial court pursuant to the above-said reproduced order and its relevant extract is as under:-

“As per record the name of the complainant of the present case is Minni Singh and except her there is no other complainant in this FIR. The name of the accused is Amit Kumar. Except him, there is no other person nominated by the police as accused. As per record, accused is neither involved in any other case nor declared proclaimed offender in any other criminal case. Case is pending for appearance of accused.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, Without any pressure or coercion and is genuine one.”

It is evident from the above that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled, marriage has been dissolved and the entire permanent alimony stands paid. In view of the above development, report of the trial court and the judgments of the Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** and ***Ramgopal and another Versus The State of Madhya Pradesh***

2021 (4) RCR (Criminal) 322, this Court is of the view that keeping the criminal proceedings alive would unnecessarily increase the agony of the parties, rather setting them aside would enable them to lead a peaceful life.

Accordingly, petition is allowed. FIR No.62 dated 21.05.2021 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Women, District Jalandhar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

22.09.2022

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(SUVIR SEHGAL)

JUDGE

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