

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211-2

CRM-M-14585-2022

Date of decision:08.09.2022

Vishal

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ketan Chopra, Advocate for
Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Karandeep Singh, Advocate for
Mr. Sunil Agnihotri, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 06.04.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0046 dated 30.04.2021, registered for offences under Sections 498-A, 406 and 323 of the Indian Penal Code, 1860, at Police Station Division No.1, District Pathankot, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 02.02.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that FIR is an outcome of trivial matrimonial issue, which has been resolved, and the complainant-respondent No.2 and the petitioner are residing together.

Notice of motion.

On asking of the Court, Mr. A. S. Gill, Senior DAG, Punjab accepts notice of behalf of State-respondent No.1. As per instructions received by him

from ASI, Balbir Singh, he submits that the matter is under investigation. Mr. Sunil Agnihotri, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed Power of Attorney and has admitted the factum of compromise and does not controvert the statement of the counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 05.05.2022 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 the Area Magistrate/Trial Court be awaited for 08.09.2022.”

Report has been received from the trial court in deference to

the above-said reproduced order and its relevant extract is as under:-

“4. From the statement made by the parties, this court is satisfied that complainant Monika has entered into compromise with accused Vishal voluntarily without any inducement, coercion or pressure.

5. Further as per record only one accused Vishal has been arraigned in the FIR and he has appeared before this Court for making his statement. It is also submitted that there is only one complainant i.e. Monika, who has suffered a statement before the Court. The challan/police report has not been presented till date. No accused has been declared as absconder or proclaimed offender in the case in hand and no other criminal case is pending against the accused.”

FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been amicably settled and the parties are living together under one roof with their child. In view of the above development, report of the trial court and the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court is of the view that prolonging the criminal proceedings would be a futile exercise.

Accordingly, petition is allowed. FIR No.0046 dated 30.04.2021, registered for offences under Sections 498-A, 406 and 323 of the Indian Penal Code, 1860, at Police Station Division No.1, District Pathankot, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

08.09.2022
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(SUVIR SEHGAL)
JUDGE

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