

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123+283

CRM-M-15981 of 2022 (O&M)

Date of decision:-15.09.2022

Narinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. T.P.S.Tung, Advocate
for the petitioner.

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

Mr.Sachin Kalia, Advocate for
Mr. G.S.Jagpal, Advocate
for respondent No.4.

SUVIR SEHGAL, J. (Oral)

CRM No.30930 of 2022

Application is allowed as prayed for.

Judgment and decree dated 01.07.2022 passed under Section
13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-3.

CRM-M-15981 of 2022

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.96 dated 04.10.2021, registered for offence under Section 498-A of Indian Penal Code, 1860, at Police Station Rangar Nangal, District Batala (Annexure P-1), along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 01.04.2022 (Annexure P-2).

Counsel for the petitioner submits that marriage of the
petitioner was solemnized with the complainant-respondent No.4 on

27.02.2016 and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties could not adjust with each other and have been residing separately since April, 2020. Counsel submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-3, passed under Section 13-B of the Hindu Marriage Act, 1955, and entire permanent alimony of Rs.3.00 lacs has been paid. Counsel submits that both the parties were earlier married and petitioner has child from the previous marriage.

Upon instructions received from ASI Palwinder, State counsel submits that challan has been presented.

Counsel representing complainant-respondent No.4 has admitted the factum of compromise and receipt of amount. He supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 21.04.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements with regard to the compromise.

A report was called from the Trial Court, which has been received and its relevant extract is as under:-

“1) Number of persons arrayed as accused in FIR.

On this count, it was submitted by the investigating officer that in the present FIR there is only one accused arrayed in this FIR i.e. Narinder Singh, the present petitioner.

2. *Whether any accused is a Proclaimed Offender?*

According to the statement of the investigating officer, accused has not been declared as proclaimed offender/persons.

3. *Whether the compromise is genuine, voluntary, and without any coercion or undue influence?*

On 13.05.2022, petitioner/accused Narinder Singh and complainant/respondent No.4 Sarabjit Kaur appeared in the Court along with their respective Advocates and stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. The complainant/respondent No.4 stated in specific terms that she had no objection if the quashing proceedings filed by the petitioner/accused is accepted. Both the parties were identified by their respective Advocates.

The respondent No.4/complainant and petitioner/accused were asked to show their identity cards and photocopies of the same were taken on record (photocopies of identity cards and statements attached herewith).

Therefore, from the statements of the parties, it appears that compromise entered into between the parties is genuine, voluntary and out of free will.

4 *Whether the accused is involved in any other case or*

not?

According to the statement of the investigating officer, the accused is not involved in any other case.

5 Whether all the parties named in the FIR have made their statements regarding the compromise?

The FIR was registered on the statement of Complainant/Respondent No.4 Sarabjit Kaur against accused/petitioner Narinder Singh and both of them have appeared before the Court and made their statement regarding the compromise.

6. Current stage of the case?

Perusal of the Judicial file reveals that the matter is fixed for consideration on charge.”

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

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in **B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and rather setting them aside would enable the parties to lead an independent and peaceful life.

Accordingly, the petition is allowed. FIR No.96 dated 04.10.2021, registered for offence under Section 498-A of Indian Penal

Code, 1860, at Police Station Rangar Nangal, District Batala, Annexure P-1, alongwith all consequential proceedings arising therefrom, are quashed qua the petitioner.

September 15, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes