

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-17224 of 2019
Date of decision:27.09.2022

Dharminder Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Bajaj, Advocate and
Mr. Davinder Sharma, Advocate
for the petitioners.

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

Mr. Jagroop Singh Sarih, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.47 dated 07.08.2018, registered for offences under Sections 406, 498-A of Indian Penal Code, 1860, at Police Station Women, District Jalandhar (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of panchayati compromise arrived at between the parties in October, 2018 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the

husband and petitioners No.2 and 3 are the parents-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 06.02.2017 at Jalandhar 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 June, 2017. Counsel submits that FIR, Annexure P-1, which is an outcome of a marital discord, has been settled by panchayati compromise (Annexure P-2), marriage has been dissolved by judgment and decree dated 15.01.2020 (Annexure P-3) passed under Section 13-B of the Hindu Marriage Act, 1955. By making a reference to the same, counsel submits that entire permanent alimony of Rs.9.00 lacs has been paid.

Upon instructions received from ASI Rajesh Kumar, State counsel submits that trial is underway and some of the prosecution witnesses have been examined.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 02.07.2019, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for from the Trial Court regarding genuineness of the compromise. Report has been received and its relevant extract is as under:-

“4. In compliance to the aforesaid order dated 09.09.2019 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that in view of the statements got recorded by the complainant Gurpreet Kaur and accused statement in the petition under Section 13-B of HMA for second motion, which is pending in the Court of Mrs. Preeti Sahni, Ld. Principal Judge, Family Court, Jalandhar, this Court is satisfied that the compromise effected between them is genuine one, which is not the result of any pressure or coercion and the settlement effected between them is not having any adverse affect upon the rights of any third party.”

It is evident that FIR (Annexure P-1) has emanated from the matrimonial dispute, which has been settled amicably and marriage has been dissolved.

In view of the above facts, 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 **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court is of the opinion that prolonging the criminal proceedings would be a futile exercise.

Accordingly, the petition is allowed. FIR No.47 dated 07.08.2018, registered for offences under Sections 406, 498-A of Indian Penal Code, 1860, at Police Station Women, District Jalandhar (Annexure

P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

September 27, 2022

savita

(SUVIR SEHGAL)
JUDGE

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