

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116+253)

CRM-M-23476-2022 (O&M)
Date of Decision:- 14.10.2022

Rajveer Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arvind Kashyap, Advocate for the applicants-petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Johny, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-32676-2022

Application is allowed as prayed for.

Judgment and decree dated 02.07.2022 passed under Section
13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-11.

Main case

On 27.05.2022, 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.138 dated 31.07.2019, registered for offences under Sections 342, 406, 498-A and 34 of the Indian Penal Code, 1860, at Police Station Sadar Nabha, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of affidavit dated 14.05.2022, Annexure P-2, executed by respondent No.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 complainant-respondent No.2. He submits that petitioner No.1 was married to

complainant-respondent No.2 on 06.10.2013, it was the second marriage for both the parties and a daughter was born out of the wedlock. Counsel submits that due to temperamental differences, the parties have been staying separately since December, 2017 and FIR, Annexure P-1, is an offshoot of a marital discord, which has been settled as is reflected from affidavit dated 14.05.2022, Annexure P-2, executed by the complainant-respondent No.2. Still further, counsel submits that a petition seeking divorce by mutual consent has been instituted under Section 13-B of the Hindu Marriage Act, 1955, second motion has been recorded and the entire permanent alimony of Rs.3 Lakhs as well as the articles have been handed to complainant-respondent No.2. He submits that the divorce petition is now fixed for further proceedings in July, 2022.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice of behalf of State-respondent No.1. Upon instructions received from ASI, Gurdeep Singh, he submits that the matter is under investigation.

Mr. Johny, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed Vakalatnama and has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 15.07.2022 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 01.09.2022.

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

By referring to the judgment, Annexure P-11, counsel for the petitioners submits that the custody of the minor daughter is with the petitioner and marriage has been dissolved by mutual consent.

Counsel representing the complainant-respondent No.2 submits that he does not have any objection in case the prayer made in the petition is acceded to.

Heard counsel for the parties.

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

“From the aforesaid statements of the affected parties, it apparently appears that the parties have voluntarily, without any pressure or coercion, entered into the compromise between themselves and have settled the matter amicably and said compromise appears to be genuine.

Both the complainant Randeep Kaur and the accused Rajveer Singh, Manjeet Singh and Amarjeet Singh appeared before the Court and made their statements in support of the compromise. The compromise is genuine, voluntary and out of free will of the parties. Except the complainant there in (sic is) no injured/aggrieved person in the present case.

The present case FIR has been registered only against three person (sic persons) namely Rajveer Singh, Manjeet Singh and Amarjeet Kaur, who are appearing in the present case. In the present case no accused has been declared as proclaimed offender.

In the present FIR, no challan has been presented in the Court till date.”

It is apparent that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been amicably settled, marriage has been dissolved and the issue of custody of the child has also been sorted out.

In view of the above development, report of the Trial Court and the judgment of Supreme Court in *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 the continuation of the criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.138 dated 31.07.2019, registered for offences under Sections 342, 406, 498-A and 34 of the Indian Penal Code, 1860, at Police Station Sadar Nabha, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

14.10.2022
Kamal

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