

**CRM No.18215 of 2022 and
CRM No.18216 of 2022 in/and
CRM-M-27319 of 2021**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.18215 of 2022 and
CRM No.18216 of 2022 in/and
CRM-M-27319 of 2021
Date of decision:01.06.2022**

Deedar Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Sandeep Gahlawat, Advocate for
Mr. Rajesh Gaur, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

CRM No.18215 of 2022

For the reasons given in the application, it is allowed.

Date of hearing of the main case is advanced from 27.07.2022
to today and it is ordered to be taken up on Board.

CRM No.18216 of 2022

Application is allowed as prayed for.

Annexures P-6 to P-8 are taken on record.

CRM-M-27319 of 2021

Instant petition has been filed under Section 482 Cr.P.C.,

seeking quashing of FIR No.00123 dated 10.12.2020 registered under Sections 406, 498-A of Indian Penal code, 1860 at Police Station Begowal, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of joint statement of the parties recorded before the Family Court.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-in-law of respondent No.3. Counsel submits that marriage of petitioner No.1 was solemnized with respondent No.3 on 24.02.2017 and there is no child out of the wedlock. He submits that from the very beginning, relations between the couple were strained and they have been residing separately since August, 2019. He submits that FIR (Annexure P-1) lodged by respondent No.2, father of respondent No.3 is an outcome of marital discord. According to counsel, on the intervention of respectables, settlement has been arrived at between the parties and in pursuance thereto, marriage has been dissolved by judgment and decree of divorce passed on 23.02.2022 (Annexure P-6) by mutual consent and entire permanent alimony of Rs.27.00 lacs has been paid.

Upon instructions from ASI Kashmir Singh, State counsel submits that matter is under investigation.

Counsel for the complainant-respondent No.2 and respondent No.3, supports the stand of counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 17.02.2022, this Court directed parties to

appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to compromise and a report was called for, on the following points:-

- “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 has been received and its relevant extract is as under:-

“..... in compliance of the said order, parties have appeared on 23.02.2022 and their statements under the identification of their respective counsel were recorded. As per their statements, the compromise has been arrived in between the parties voluntarily without any pressure or coercion through the respectables of the locality. Further, it is hereby intimated that as per the statements of ASI Sumandeep Kaur No.375/Kpt PS Begowal, District Kapurthala, the present FIR

was registered against total two accused namely Deedar Singh and Rupinder Kaur who both have appeared in this Court and have made their statements regarding compromise. None of the accused is proclaimed offender in this case. The present case is under investigation and challan in the present FIR is yet to be presented. No other criminal case is pending against the accused namely Deedar Singh and Rupinder Kaur. The present case was registered on the complaint of Balwinder Singh and one Amandeep Kaur is aggrieved person in this case and both have appeared in this Court for recording of their statements. In this regard, statement (of) ASI Sumandeep Kaur No.375/kpt, PS Begowal has also been recorded.”

It is evident that FIR (Annexure P-1) is a result of a marital disharmony, which has been settled and marriage has been dissolved by mutual consent. In the above background, report of the Trial Court as well as judgments of Supreme Court in **Gold Quest International Private Limited Vs. State of Tamil Nadu and others (2014) 15 SCC 235, B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675 and Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that prolonging the criminal proceedings would be an exercise in futility and rather setting them aside would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.00123 dated 10.12.2020 registered under Sections 406, 498-A of Indian Penal code, 1860 at Police Station Begowal, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

June 01, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes