

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(131+262)

CRM-M-32362-2020 (O&M)
Date of Decision:- 27.04.2022

Sanjay Garg

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gulzar Mohd., Advocate for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab for the State-respondent No.1.

Mr. Sandeep S Majithia, Advocate for
Mr. Rajesh Gupta, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-12472-2021

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

Judgment and decree dated 08.03.2021 passed by the Family Court, Jalandhar under Section 13-B of the Hindu Marriage Act, 1955 as well as affidavit of the petitioner are taken on record as Annexures P-4 and P-5, respectively.

CRM-M-32362-2020

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.144 dated 03.11.2016, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women (Commissionerate), Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 29.07.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 11.12.2010 and the parties cohabited at Patiala. He submits that a male child was born out of the wedlock, but due to temperamental differences between them, they parted ways and FIR, Annexure P-1, is an outcome of a marital discord. He submits that the dispute has been settled by virtue of compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-4, and the entire permanent alimony of ₹20 lacs stands paid to the complainant. Still further, he submits that the custody of the minor child is to remain with the complainant-respondent No.2 as per the compromise. Counsel submits that in compliance of order passed by this Court, the parties have appeared before the Trial Court and their statements have been recorded.

Upon instructions received from ASI, Sukhdev Singh, State counsel submits that on conclusion of investigation, final report has been submitted, charge has been framed against the accused-petitioner and the prosecution evidence is underway.

Counsel representing the complainant has admitted the factum of compromise as well as the divorce between the parties.

Heard counsel for the parties.

Vide order dated 16.11.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded with regard to compromise. A report was called for from the Court concerned regarding the validity of the compromise and also as to whether any of the accused has been declared as a proclaimed offender. Report has been received and its relevant extract is as under:-

“Statement of Shweta Mittal (complainant), have been recorded, wherein she stated that she has compromised the matter with the accused, namely, Sanjay Garg, and the same is without any pressure, coercion and undue influence. It is submitted that she does not want to pursue with the present FIR. Statement of accused, Sanjay Garg, has also been recorded, wherein he stated that he has compromised the matter with the complainant and the same is without any pressure, coercion and undue influence. Both the parties have placed on record their respective identity proof.

As per report of Ahlmad, Challan has been presented in the Court of Sh. Amardeep Singh, the then JMIC, Jalandhar on dated 26.04.2017 against accused Sanjay Garg. None of the accused is proclaimed person.

In view of the statements of the parties, I am of the view that the compromise has been validly effected between Sanjay Garg as well as complainant, namely, Shweta Mittal. The parties were also inquired personally to which they have stated that the compromise has been effected as per their free will and without any kind of pressure, threat or undue influence.”

FIR, Annexure P-1, is a fallout of a matrimonial dispute between the private parties, which has been resolved and the marriage has been dissolved by mutual consent.

Keeping in view 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 Gujrat and another (2017) 9 SCC 641***, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead an independent and peaceful life.

Accordingly, the petition is allowed. FIR No.144 dated 03.11.2016, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women (Commissionerate), Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

27.04.2022
Kamal

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