

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120+210)

CRM-M-27927-2021 (O&M)
Date of Decision:- 06.08.2022

Samir Galhotra and others

...Petitioners

VERSUS

Union Territory, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Harmanpreet Kaur (Simmi), Advocate for the petitioners.

Mr. D.S.Brar, Addl. P.P., U.T. Chandigarh
for U.T.-respondent No.1.

Mr. Sandeep Khunger, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-28225-2022

Application is allowed as prayed for.

Judgment and decree dated 28.07.2021 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-10 (renumbered as Annexure P-5).

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0043 dated 08.06.2020, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of mutual compromise dated 19.10.2020, Annexure P-2, arrived at between the parties.

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. She submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 23.01.2017 and there is no issue out of the wedlock. She submits that due to temperamental differences, the parties could not adjust with each other and have been living separately since January, 2018 and FIR, Annexure P-1, is an outcome of a matrimonial dispute between them, which has been settled by virtue of mutual compromise, Annexure P-2. Counsel submits that in terms of the compromise, entire permanent alimony of Rs.23 lacs has been paid, all claims have been settled and marriage has been dissolved vide judgment and decree, Annexure P-5.

Upon instructions received from L/HC, Mantesh Kumari, State counsel submits that the matter is under investigation.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise as also the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 28.07.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded and a report was called for from the Court concerned on the following aspects:-

“i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;

- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The State of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntary and out of free will.”*

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

“(1) Complainant Neha Arora, has got FIR No.43 dated 08.06.2020, u/s 406, 498 IPC, PS-WPS-17, Chandigarh registered against the accused persons i.e. Samir Galhotra S/o Sh. Diwan Chand Galhotra, Diwan Chand Galhotra S/o Sh. Ram Piyara and Daya Galhotra W/o Sh. Diwan Chand Galhotra. Complainant Neha Arora and accused persons i.e. Diwan Chand Galhotra and Daya Galhotra have appeared before Court and made their statement in support of compromise so effected between them. Similarly, accused Diwan Chand Galhotra also suffered statement before the Court on behalf of accused Samir Galhotra being SPA of accused Samir Galhotra in support of compromise effected between the parties. Petition bearing No.CRM-M-27927 of 2021 pending before Hon'ble Punjab and Haryana High Court has also been filed by accused Samir Galhotra through his SPA Diwan Chand Galhotra. However, accused Samir Galhotra did not come present to record his statement.

(2) None of the accused persons have been declared proclaimed offender.

(3) As per statement of complainant, accused persons and Investigating Officer, only FIR has been registered and the case is still under investigation.

(4) On the basis of statement given by parties, this Court is of the considered view that compromise between complainant and accused persons is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.”

It is evident that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably resolved. Parties have decided to give a quietus to the dispute and marriage has been dissolved by mutual consent.

In view of the above developments as well as the report of the Trial Court and the judgments of Supreme Court in ***Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*** and ***Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the view that the continuation of the criminal proceedings would be an exercise in futility and the criminal proceedings deserve to be quashed by exercising the inherent powers of this Court.

Accordingly, the petition is allowed. FIR No.0043 dated 08.06.2020, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, Chandigarh, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

06.08.2022
Kamal

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