

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(128) CRM-42677-2022 IN/AND CRM-M-26257-2022

Date of Decision:- 06.12.2022

Manpreet Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Harsh Chopra, Advocate for the petitioners.

Mr. P.S.Grewal, DAG, Punjab for State-respondent No.1.

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

...

SUVIR SEHGAL, J. (Oral)

CRM-42677-2022

Application is allowed as prayed for.

Date of hearing of the main case is advanced from 01.02.2023 to today and it is ordered to be taken on Board.

On oral request of counsel for the applicant-petitioner, he is permitted to place on record judgment and decree dated 30.08.2022 passed under Section 13-B of Hindu Marriage Act, 1955, whereby, marriage has been dissolved, as Annexure P-5.

CRM-M-26257-2022

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.106 dated

26.07.2019, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Women Cell Ludhiana, Police Commissionerate, Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 08.12.2021, Annexure P-3, 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 the complainant-respondent No.2. He submits that the marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 13.12.2017 and due to matrimonial differences, they are staying separately. He submits that FIR, Annexure P-1, which is out of the matrimonial dispute, has been settled by way of compromise, Annexure P-3, marriage has been dissolved by judgment and decree, Annexure P-5, and the entire permanent alimony has been paid.

Upon instructions from SI, Sukhwinder, State counsel submits that during the pendency of the petition, challan has been presented, but charge has not been framed. Counsel representing complainant-respondent No.2 has admitted the factum of compromise and submits that there is no child out of the wedlock.

Heard counsel for the parties.

Vide order dated 19.07.2022, this Court has directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There are only three accused arrayed in the present case namely Manpreet Singh, Amrik Singh and Nirmal Kaur. Accused have never been declared proclaimed offender nor they are involved in any other criminal case as per statement of IO ASI Meet Ram. The challan in this case has (sic been) presented against accused Amrik Singh and Nirmal Kaur. Now matter has been compromised between the parties.”

As FIR, Annexure P-1, has primarily arisen out of a matrimonial dispute and has been amicably settled, following the dictum of the 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 view that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.106 dated 26.07.2019, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Women Cell Ludhiana, Police Commissionerate, Ludhiana, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

06.12.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes