

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(326)

CRM-M-29182-2022-
Date of Decision:- 29.11.2022

Jagdeep Singh

...Petitioner

VERSUS

State of Union Territory, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Kumar Bawa, Advocate for the petitioners.

Mr. Anupam Bansal, Addl. P.P., U.T.Chandigarh
for U.T., Chandigarh-respondent No.1.

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

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) for quashing of FIR No.17 dated 05.01.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Women, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 01.06.2022, Annexure P-2, arrived at between the parties, which is supported with an affidavit of complainant-respondent No.2, Annexure P-3.

Counsel for the petitioners submits that FIR, Annexure P-1, was an outcome of a petty dispute between the couple and has been resolved by virtue of compromise, Annexure P-2, which is supported with an affidavit

of complainant-respondent No.2, Annexure P-3. Counsel submits that after ironing out their differences, parties are residing together.

Upon instructions, learned Additional Public Prosecutor, Union Territory, Chandigarh submits that charge has been framed under Section 498-A, IPC only and trial is underway.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 11.07.2022, this Court directed the parties as well as the Investigating Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on different aspects of the proceedings. Report has been received and its relevant extract is as under:-

“It appears from the statement of complainant and accused Jagdeep Singh that the compromise has been (sic entered into) with their consent and without any pressure, threat or coercion. It is further submitted that the FIR was registered against Jagdeep Singh under Section 406, 498-A of IPC, This Court, after hearing the parties in persons along with their counsel and after going through the statements recorded in the Court, is of the opinion that the compromise effected between the parties is genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the complainant as well as accused Jagdeed Singh are not the result of any pressure and coercion. Copy of statements suffered by the parties, i.e., complainant Harpreet Kaur and accused Jagdeep Singh.

IO Retired Inspector Balbir Singh appeared on 19.09.2022 and got recorded his statement that accused Jagdeep Singh r/o H. No.2314, DMC, Chandigarh is not PO in any case/FIR in the Chandigarh till date. In the present FIR/case is one accused namely Jagdeep Singh has been arraigned.”

As the FIR, Annexure P-1, has arisen out of a trivial matrimonial dispute, which has been amicably settled, this Court is of the view that it is a fit case for exercise of inherent powers under Section 482 of the Code.

In view of the above developments, 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 inclined to accept the prayer made in the petition.

Accordingly, the petition is allowed. FIR No.17 dated 05.01.2019, registered for offences under Sections 406 and 498-A, IPC, at Police Station Women, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

29.11.2022

Kamal

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