

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(305)

CRM-M-30668-2022-
Date of Decision:- 06.12.2022

Naib Singh and another

...Petitioners

VERSUS

U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Simar Bedi, Advocate for the petitioners.

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

Mr. Jasmeet Singh Bedi, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 18.07.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.0027 dated 17.02.2022 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station Chandigarh, (Annexure P-1), on the basis of compromise/settlement deed dated 19.04.2022 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the father-in-law and petitioner No.2 is the husband of the complainantrespondent No.2. He submits that marriage of petitioner No.2 was solemnized with the complainant-respondent No.2 on 21.10.2015. He submits that parties knew each other before marriage and FIR is an outcome of matrimonial dispute, which has been settled by virtue of compromise/settlement (Annexure P-2). Counsel submits that parties are living together under one roof and all the disputes have been resolved.

Notice of motion.

On asking of the Court, Mr. Anupam Bansal, Additional Public Prosecutor, U.T.Chandigarh accepts notice on behalf of respondent No.1- State. Upon

instructions from ASI Balbir Singh, he submits that the matter is under investigation.

Mr. Jasmeet Singh Bedi, Advocate, has put in appearance on behalf of complainant-respondent No.2 and has filed his 'Vakalatnama', which is taken on record. He has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 10.08.2022 or on any day thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Area Magistrate shall submit a report specifying the following:-

- 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 of Trial Court/Area Magistrate be awaited for 06.12.2022.”

Report has been received pursuant to the above reproduced order and its relevant extract is as under:-

“7. (i) It is humbly submitted that there are a total of two accused persons, namely Naib Singh and Narender Singh, arrayed in the present FIR. Both the accused persons have appeared before this Court and have got recorded their statements regarding the compromise effected between them and the complainant. As per the statement of the Investigating Officer of this case, the accused of the present FIR are not involved in any other case and they have never been declared proclaimed persons/proclaimed offenders in this case or in any other criminal case.

(ii) There is only one complainant/aggrieved person, namely Sumanpreet Kaur, in the present FIR. She has appeared before this Court and has got recorded her statement regarding the compromise effected between her

and the accused persons.

(iii) In the case in hand, the challan has not been presented yet and the compromise has been effected between the parties at the stage of its investigation.

(iv) From the statements of the parties, it seems that the compromise between the parties is genuine, voluntary and the same has been arrived at between the parties without any undue influence or pressure.

(v) As per the statement of the Investigating Officer of this case, the accused of the present FIR are not involved in any other case.”

Considering the fact that the matrimonial dispute has been amicably settled and petitioner No.2 and complainant-respondent No.2 are residing together under one roof, this Court is of the view that keeping the criminal proceedings alive would be a futile exercise.

Keeping in view 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 has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0027 dated 17.02.2022 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

06.12.2022

Kamal

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