

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

240

CRM-M-30925-2022

Date of decision:21.12.2022

Onkar Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Inderpreet Singh Kooner, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Ms. Manveen Narang, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 19.07.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.26 dated 20.06.2022 under Sections 406 and 498-A of IPC, 1860, registered at Women Police Station, District Patiala, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 09.07.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is mother-in-law of the complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 in the year 2018 and a daughter was born out of the wedlock. He submits that FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2, and the parties are residing together under one roof.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of respondent No.1-State. As per instructions received by him from ASI Baljinder Singh, he submits that matter is under investigation. Ms. Manveen Narang,

Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed his Vakalatnama in Court, which is taken on record. She admits the factum of compromise and supported the prayer made in the petition.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 04.08.2022 or on any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 Area Magistrate/Trial Court be awaited for 21.12.2022.”

State counsel has filed status report by way of an affidavit of Deputy Superintendent of Police, PBI/Crime against Women and Children, District Patiala, on behalf of respondent No.1-State, which is taken on record. By referring to Para 06 thereof, he submits that a cancellation report has been submitted, but the trial court has adjourned the matter to await further orders from this Court.

Counsel for complainant/respondent No.2 submits that the parties have reconciled and are living together.

Heard counsel for the parties.

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

- “1. As per the statement of Investigating Officer only Onkar Singh @ Omkar Singh and Gurjit Kaur have been arraigned as accused and have been (sic) recorded their statement. Investigating Officer has further submitted that no absconding/proclamation proceedings are pending against the accused person in the present case.*
- 2. Only Ramandeep Kaur is complainant, injured/aggrieved in the present case and she has appeared in the Court for recording her statement in support of the compromise.*
- 3. Challan has not been presented till date in the present case.*
- 4. From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.*
- 5. As per the statement of Investigating Officer, there is no other criminal case is pending against the accused persons.”*

Considering the fact that FIR, Annexure P-1, is an outcome of a petty matrimonial dispute, which has been amicably settled and the parties are living together, this Court has no hesitation in exercising its inherent powers under Section 482 of Cr.P.C. and quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.26 dated 20.06.2022 under Sections 406 and 498-A of IPC, 1860, registered at Women Police Station, District Patiala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

21.12.2022
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(SUVIR SEHGAL)
JUDGE

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