

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

249

CRM-M-26972-2019
Date of decision:27.10.2022

Gurbaj Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Himanshu Puri, Advocate for
Mr. M.S. Yadav, Advocate
for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.22 dated 25.04.2015 under Sections 406 and 498-A of IPC, 1860, registered at Women Police Station, District Patiala, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-2.

Counsel for the petitioners submits that FIR, Annexure P-1, is an outcome of a petty matrimonial dispute between petitioner No.1 and respondent No.2, which has been settled by compromise, Annexure P-2, and the couple is now happily living together. He submits that the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Ranjit Kumar, State counsel submits that although charge has been framed long back, but no prosecution witness has been examined.

Counsel for the complainant/respondent No.2 does not oppose the prayer made in the petition and admits the factum of compromise.

Heard counsel for the parties.

Vide order dated 13.11.2019, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded and a report was called for regarding the genuineness of the compromise as also the stage of the trial and as to whether any of the parties have been declared as Proclaimed Offender.

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

“4. From the statements, it appears that compromise has been effected between the parties without any pressure and with their free will and without any coercion or undue influence.

5. Further trial Court is to submit a report containing the following information:-

Inspector Manjit Kaur No. 969 Patiala BOI, AIG office Patiala Zone has suffered statement that no accused persons of the present case has been declared as proclaimed offender and challan has already been presented in this case.”

It is apparent from the above that the FIR, Annexure P-1, is an outcome of a trivial matrimonial discord, which has been amicably settled and the parties are living together under one roof. In view of the report submitted by the trial court and the judgments of the Supreme Court in

Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582 and B.S.

Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.22 dated 25.04.2015 under Sections 406 and 498-A of IPC, 1860, registered at Women Police Station, District Patiala, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

27.10.2022
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(SUVIR SEHGAL)
JUDGE

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