

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

317

CRM-M-31681 of 2022
Date of decision:07.12.2022

Harvinder Singh Nagra

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rana Harjasdeep Singh, Advocate for
Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Neeraj Yadav, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 22.07.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.170 dated 15.10.2020, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station City Moga, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of panchayati compromise, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant-respondent No.2

on 20.02.2017 and there is a daughter out of the wedlock. He submits that FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been sorted out and has been amicably settled by way of compromise, Annexure P-2. He submits that the parties have ironed out their differences.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice of behalf of State-respondent No.1. Upon instructions received from ASI, Gurdeep Singh, State counsel submits that the trial is underway.

Mr. Neeraj Yadav, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed Vakalatnama, which is taken on record. He has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 22.09.2022 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.*

As complainant-respondent No.2 is in Canada, Trial Court/Area Magistrate shall record the statement of complainant-respondent No.2 through video conferencing after her due identification by her counsel/relation, who will remain personally present at the time of recording of statements.

Report of the Area Magistrate/Trial Court be awaited for 07.12.2022.”

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

“I. As per statement of above said S.C.Shinderpal Singh, there is only one accused namely Harwinder Singh in the FIR No.170 dated 15.10.2020 registered under Sections 498-A, 406 of IPC at P.S.City, Moga and he appeared in this Court and suffered statement regarding compromise. Further, no accused is absconding/PO in the said FIR.

II As per statements of parties, there is only one complainant

namely Gurleen Kaur in the above said FIR and she appeared before this Court through video conference and suffered statement regarding compromise.

III The challan of above said FIR is pending before this court at the stage of prosecution evidence.

IV As per statements of parties, the compromise is genuine, voluntary and out of their free Will.

V As per statements of parties and Investigating Officer, no other criminal case is pending against the accuse Harwinder Singh.”

As the marital discord had arisen due to a petty dispute, which has been resolved and the parties have ironed out their differences and intend to live together, this Court has no hesitation in exercising the inherent powers under Section 482 Cr.P.C. and quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.170 dated 15.10.2020, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station City Moga, (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

December 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>