

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(127)

CRM-M-35985-2021 (O&M)
Date of Decision:- 09.05.2022

Parminder Kumar Sharma and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.P.S.Bajwa, Advocate for the applicants-petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the respondent No.1-State.

Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-5508-2022

Prayer in the application is for preponement of the hearing of
main case, which is fixed for 10.10.2022.

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed to today and is ordered to
be taken up on Board.

CRM-10654-2022

For the reasons given in the application, it is allowed.

Petitioner is permitted to rectify the Memo of Parties and
amended Memo of Parties is ordered to be taken on record.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.21 dated 24.02.2021, registered for offences under Sections 323, 506, 498-A, 406 and 34 of the Indian Penal Code, 1860, at Police Station Barnala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 10.08.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the sister-in-law and petitioner No.3 is the mother-in-law of the complainant-respondent No.2. He submits that a matrimonial dispute arose between the parties over a trivial issue, which has been settled by virtue of compromise, Annexure P-2, and the estranged couple is now residing 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 received from ASI, Mohinder Singh, State counsel submits that the matter is under investigation.

Counsel representing the complainant-respondent No.2 has supported the statement of the counsel for the petitioners as well as the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 02.09.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements

recorded in support of the compromise and a report was called for from the Court concerned regarding the genuineness of the compromise as also as to whether any P.O. proceedings are pending against any of the parties. After recording the statement of the parties and the Investigating Officer, a report has been sent, relevant extract of which is as under:-

“From the statements recorded in the Court, it appears that the compromise effected between the complainant/respondent No.2, Rajdeep Kaur and accused/petitioners, Parminder Sharma, Sandeep Sharma and Paramjit Kaur, is genuine, without any pressure and without any coercion or undue influence.”

FIR is an outcome of a matrimonial dispute, which has been settled, and the parties are residing together under one roof.

In view of the afore-noticed factual position, report of the Trial Court as well as the judgment of Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, this Court has no reservation in setting aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.21 dated 24.02.2021, registered for offences under Sections 323, 506, 498-A, 406 and 34 of the Indian Penal Code, 1860, at Police Station Barnala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

09.05.2022
Kamal

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