

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122+256)

CRM-M-36378-2021 (O&M)
Date of Decision:- 13.05.2022

Rajwinder Kaur and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

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

Mr. Raj Partap Singh Brar, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-16191-2022

Application is allowed as prayed for.

Judgment and decree dated 04.03.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0172 dated 16.07.2020, registered for offence under Section 498-A of the Indian Penal Code, 1860, at Police Station Model Town, District Hoshiarpur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 26.08.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.2 is the husband of complainant-respondent No.2, petitioners No.1 and 3 are his relatives and petitioner No.4 is a family friend. He submits that marriage of petitioner No.2 and complainant-respondent No.2 was solemnized on 09.04.2009 and there was no issue out of the wedlock, but due to temperamental differences, they were not able to live together and separated on 30.03.2019. Counsel submits that despite best efforts, their differences could not be reconciled and eventually with the intervention of respectables, a compromise, Annexure P-2, was arrived at. In terms of the compromise, counsel submits, that marriage has been dissolved by judgment and decree passed under Section 13-B of the Hindu Marriage Act, 1955, Annexure P-4, and all the claims *inter se* parties have been settled.

Upon instructions received from ASI, Hans Raj, State counsel submits that although seven persons were named as accused in the complaint, but three of them were found innocent, however, the matter is still under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement of counsel for the petitioners. He supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 06.09.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded regarding the compromise. A report was called for from the Court regarding the genuineness of the compromise as also as to whether P.O. proceedings are pending against any of the parties. Report has been

received and its relevant extract is as under:-

“i. That in the present FIR No.172 dated 16.07.2020 under Sections 498-A of IPC of P.S. Model Town Hoshiarpur, four persons, namely, Rajwinder Kaur w/o Satnam Singh, Manjit Singh S/o Avtar Singh, Satnam Singh S/o Malkeet Singh and Harmesh Kumar S/o Joginder Pal have been arrayed as accused as per the Investigating Officer. As per the report of IO, no P.O. proceedings against any of the accused person has been initiated till date.

ii. That in view of the above statements of the complainant and the accused as well as contents of the compromise deed Ex.CX, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence. The terms of settlement are incorporated in the compromise deed, copy of which is Ex.CX and being sent alongwith the report.”

FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled and marriage has been dissolved. In this background, report of the Trial Court and judgments of Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that prolonging the criminal proceedings would not serve any purpose and ends of justice would be secured in case these are set aside.

Accordingly, the petition is allowed. FIR No.0172 dated 16.07.2020, registered for offence under Section 498-A of the Indian Penal Code, 1860, at Police Station Model Town, District Hoshiarpur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

13.05.2022

Kamal

(SUVIR SEHGAL)

JUDGE

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