

CRM-M-36363 of 2021

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

282-A

**CRM-M-36363 of 2021
Date of decision:21.07.2022**

Kuldeep Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Ramanpreet Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.56 dated 15.07.2017 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 10.10.2020 (Annexure P-3).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 11.10.2013 and there is no issue out of the wedlock. He submits that due to acrimony, both the

parties have been residing separately since 20.09.2014. As per the counsel, dispute has been settled by compromise (Annexure P-3) and marriage has been dissolved, vide judgment and decree dated 16.05.2022 (copy of which has been placed on record as Annexure P-12 in connected petition i.e. CRM-M-7781 of 2022) and the entire permanent alimony of Rs.2.80 lacs has been paid.

Upon instructions from ASI Amreek Singh, State counsel submits that challan has been presented against petitioner No.2, charge has been framed against him and prosecution evidence is underway. He further submits that since petitioner No.1 was declared as Proclaimed Person and challan against him is yet to be presented.

Counsel for the complainant-respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

Counsel for the petitioners submits that order declaring petitioner No.1 as Proclaimed Person has been set aside by an order passed on even date in CRM-M-7781 of 2022 and there is no hindrance in entertaining the instant petition.

Heard counsel for the parties.

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

and its relevant extract is as under:-

“3. It is further submitted that on the basis of statements suffered before this Court by the parties, this Court is of the considered view that the compromise entered between the parties i.e. First informant Kamaljit Kaur and accused persons namely Kuldeep Singh (through his attorney Mohinder Singh) and Monhinder Singh is genuine, voluntary and without any coercion or undue influence.

4. It is further submitted that the file of the challan, which is pending before the Court of Ms. Kavita, Judicial Magistrate Ist Class, SBS Nagar, had been instituted on 15.07.2017. As per the same, accused Kuldeep Singh is reflected to be 'proclaimed person', on 05.05.2018. This fact is also apparent from the report as received from the police station concerned.”

It is evident from the above that FIR, Annexure P-1, is an outcome of matrimonial dispute, which has been settled, marriage has been dissolved and the order declaring petitioner No.1 as Proclaimed Person has also been set aside.

In view of the above background, report of the Trial Court as well as judgments of the Supreme Court in **Gold Quest International Private Limited Vs. State of Tamil Nadu and others (2014) 15 SCC 235**, and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, this Court

is of the view that continuation of criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.56 dated 15.07.2017 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

July 21, 2022

savita

(SUVIR SEHGAL)
JUDGE

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