

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123+273)

CRM-M-31928-2020 (O&M)

Date of Decision:- 29.10.2022

Pankaj Sharma

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Atul Goyal, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl.A.G., Punjab
for State-respondent No.1.

Mr. Sylvester, Advocate for
Mr. Sandeep S. Majithia, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-37386-2022

Application is allowed as prayed for.

Judgment and decree dated 16.10.2020 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.18 dated 22.01.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 18.02.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 04.03.2008 and a daughter was born out of the wedlock. He submits that due to temperamental differences, the marriage fell apart and the parties have been residing separately since June, 2014. Counsel submits that FIR, Annexure P-1, which is result of a marital discord, has been settled by virtue of compromise, Annexure P-2, arrived at between the parties, where-under the petitioner made the payment of Rs.55 lacs to the complainant-respondent No.2 and marriage has been dissolved by judgment and decree, Annexure P-4. Counsel submits that it had been further agreed between the parties that the custody of the minor daughter would remain with complainant-respondent No.2, who would bear all the expenses for her upbringing. It has been submitted that in terms of the settlement, the instant petition was filed seeking quashing of the FIR, Annexure P-1, however a dispute arose between the parties because of a vehicle, which had been purchased in the name of complainant-respondent No.2. He submits that during the pendency of the petition, matter was referred to the Mediation and Conciliation Centre of this Court, where a settlement/agreement dated 21.04.2022 has been arrived at and the petitioner has paid an additional amount of Rs.8 lacs to complainant-respondent No.2, besides undertaking that he will responsible for any litigation or any issue arising out of the vehicle in dispute. By making a reference to para 7 (vii) of the settlement arrived at before the Mediation Centre of this Court, he submits that the petitioner has also undertaken to bear any expenses, which may have to be incurred by the complainant for travelling, lodging etc. in case she has to

attend any proceedings, in person, in connection with the vehicle in question.

Upon instructions received from ASI, Roop Singh, State counsel submits that trial is pending and some prosecution witnesses have been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of both the settlements and submits that the complainant-respondent No.2 has received an amount of Rs.63 lacs, in total. Reference has also been made by counsel for complainant-respondent to affidavit dated 30.08.2022, filed by complainant-respondent No.2 before this Court. He submits that he has instructions to state that the complainant-respondent No.2 does not have any objection in case the prayer made in the petition is acceded to.

Heard counsel for the parties.

Vide order dated 09.10.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the following aspects:-

- “(i) how many total accused are facing the trial.*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial,*
- (iii) status/stage of the trial/case,*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.”*

After recording the statement of the parties and the Investigating Officer, report has been submitted to this Court and its relevant extract is as under:-

“In view of the abovesaid statements of parties to litigation, it appears that the compromise effected between the parties is voluntarily, without any coercion, pressure, undue influence, out of their own free will and is genuine one. Therefore it is apparent that there is only one accused is facing the trial. No accused was declared Proclaimed Offender. Charge has been framed and case was fixed for prosecution evidence and statements of some of the witnesses have been partially recorded.”

From the facts that have emerged, it is apparent that FIR, Annexure P-1, is an off shoot of a matrimonial discord, which has been settled and the parties have decided to give a quietus to the entire dispute and have amicably parted ways.

Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the opinion that quashing of the criminal proceedings would go long way in enabling the parties to lead an independent and peaceful life.

Accordingly, the petition is allowed. FIR No.18 dated 22.01.2019, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

29.10.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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