

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

273

CRM-M-31941 of 2020
Date of decision:20.09.2022

Vikas Sood

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gagandeep Goel, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl.A.G., Punjab.

Ms. Gurpreet Kaur, respondent No.2 in person.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.007 dated 28.02.2019 registered for offence under Section 498-A of Indian Penal Code, 1860, at Police Station Women Cell, Mohali (Annexure P-1), on the basis of settlement/agreement dated 10.02.2020 (Annexure P-2) arrived at before the Mediation and Conciliation Centre of this Court.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 17.11.2003 at SAS Nagar Mohali and a daughter was born out of the wedlock. He submits that due to temperamental differences, parties could not adjust with each other and have been staying separately since October,

2015. Counsel submits that FIR, Annexure P-1, is fallout of a matrimonial dispute, which has been settled by virtue of compromise (Annexure P-2). He submits that in terms of the settlement, litigation pending *inter se* parties has been withdrawn. Still further, by referring to clause 7(d) of the settlement, Annexure P-2, counsel submits that a joint account has been opened in the name of minor and the petitioner is regularly depositing a sum of Rs.7,000/- per month in the account in terms of the settlement. He submits that articles mentioned in the settlement have been returned by the parties to each other and the parties have re-married.

Upon instructions received from ASI Jaswant Singh, State counsel submits that on conclusion of investigation, final report has been submitted, but no prosecution witness has been examined.

Complainant-respondent No.2, who is present in person, has filed self-attested *xerox* copy of Aadhar Card, which is taken on record. She has admitted the factum of compromise and submitted that she has no objection in case the criminal proceedings are quashed.

Heard counsel for the parties.

This Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements with regard to the compromise and a report was called for on the following points:-

- “i) Number of persons arrayed as accused in FIR;*
- ii) Whether any accused is Proclaimed Offender;*
- iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence; and*

iv) *Whether the accused persons are involved in any other FIR or not?*”

Report has been received and its relevant extract is as under:-

“..... the parties i.e. Complainant and the accused persons appeared before this Court on 22.03.2021 and both the parties were specifically asked whether they entered into compromise with their free will, to which they replied in affirmative and recorded their statements to that effect. As per record, only one person is arrayed as accused in the FIR. As per record and statement of IO, no accused has been declared as Proclaimed Offender. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and same is genuine, without any coercion or undue influence.”

It is evident that FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled, marriage has been dissolved and the parties have settled all the claims *inter se*.

In view of the above development, report of the Trial Court and the judgments of Supreme Court in **Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that prolonging the criminal proceedings would not serve any fruitful purpose.

Accordingly, petition is allowed. FIR No.007 dated 28.02.2019 registered for offence under Section 498-A of Indian Penal Code, 1860, at Police Station Women Cell, Mohali (Annexure P-1) is quashed qua the petitioner.

September 20, 2022
savita

(SUVIR SEHGAL)
JUDGE

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