

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

269

CRM-M-37505 of 2021
Date of decision:04.05.2022

Malkinder Singh and others ... Petitioners

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Kumar, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Sunil Kumar, Advocate for
Mr. G.S.Bajwa, 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.01 dated 25.01.2020 registered under Sections 498-A of Indian Penal Code, 1860 (for short “IPC”), however, Section 406 IPC was added later on, at Police Station NRI, District Kapurthala (Annexure P-3), on the basis of compromise dated 26.07.2021 (Annexure P-4).

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the mother-in-law of the complainant-respondent No.2 and petitioner No.3 is the relative of petitioner No.1. He

submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 11.03.2018 and there is no child out of the wedlock, but due to temperamental difference, the parties are staying separately since 2019. He submits that dispute has been settled by virtue of compromise (Annexure P-4) and in terms thereof, the petitioners have paid the entire permanent alimony of Rs.14.50 lacs to the complainant-respondent No.2. Still further, by referring to Annexures P-5 and P-6, counsel submits that marriage has been dissolved by the Court of Pordenone. He submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions from SI Preeti, State counsel submits that challan has been presented against accused Manjinder Singh-petitioner No.3 and investigation is pending against other two co-accused and Look Out Circular (LOC) has been issued qua them.

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

Heard counsel for the parties.

Vide order dated 10.11.2021, this Court directed the parties to appear before the Trial Court for getting their statements recorded and a report was called for from the Court concerned on the following points:-

“1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. *the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
3. *the stage of trial/proceedings;*
4. *if the compromise is genuine, voluntary and out of free will of the parties.*
5. *whether any other criminal case is pending against the accused.”*

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

“1. The present FIR has been registered against three accused namely Malkinder Singh, Narinder Kaur and Manjinder Singh and out of the accused persons, only accused Manjinder Singh is appearing before the Court and the rest of the accused have been put in column No.2 of the report under Section 173 Cr.P.C. However, they have not been declared proclaimed offender, as per the statement of the investigating officer.

2. *The name of the complainant in this case is Jaskirat Kaur d/o Gurdawar Singh, r/o Bhandal Dona, PS Sadar, Kapurthala, District Kapurthala presently residing in Italy, who has appeared through her attorney (her father) and has got recorded statement with respect to compromise through attorney.*

3. *The case is at the stage of framing of charge against the accused appearing before the Court.*

4. *From perusal of the statements got recorded by the parties, this Court is of the opinion that the compromise is genuine, voluntarily and out of free will of the parties.*
5. *As per the statements got recorded by parties as well as Investigating Officer, no other criminal case is pending against the accused.”*

FIR (Annexure P-3) is an offshoot of marital disharmony and acrimony. The dispute between the parties has been settled and the marriage has been dissolved. In view of the dictum of Hon'ble Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the opinion that continuation of the criminal proceedings would not serve any purpose and the same deserve to be set aside.

Accordingly, the petition is allowed. FIR No.01 dated 25.01.2020 registered under Sections 498-A of Indian Penal Code, 1860, however, Section 406 IPC was added later on, at Police Station NRI, District Kapurthala (Annexure P-3) is quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

May 04, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes