

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119+271)

CRM-M-43718-2021 (O&M)
Date of Decision:- 13.09.2022

Parduman Singh Gill and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shailendra Sharma, Advocate for the petitioners.

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

Mr. Jatinder K. Sharma, Advocate for
Mr. Rajesh Kumar Bhagal, Advocate
for wife-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-32920-2022

Application is allowed as prayed for.

Judgment and decree dated 20.07.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure R-2/1.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0009 dated 21.11.2020, registered for offences under Sections 406, 498-A and 120-B of the Indian Penal Code, 1860, at Police Station NRI, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 07.08.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the father-in-law and petitioner No.2 is the husband of respondent No.2. He submits that marriage of petitioner No.2 was solemnized with respondent No.2 on 19.01.2019 at Nabha, however, soon thereafter, petitioner No.2 left for Australia. He submits that there is no issue out of the wedlock and due to temperamental differences, the parties could not adjust with each other and have been residing separately since 22.04.2019. Counsel submits that FIR, Annexure P-1, is an outcome of matrimonial dispute between the parties and has been lodged by father of respondent No.2, Avtar Singh Khataria, who has since expired. Counsel submits that matrimonial dispute has been settled by virtue of compromise, Annexure P-2, and pursuant thereto, marriage has been dissolved by mutual consent vide judgment and decree, Annexure R-2/1 and the entire permanent alimony of Rs.10 lacs has been paid.

Upon instructions received from ASI, Gurdeep, State counsel submits that the matter is under investigation.

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

Heard counsel for the parties.

Vide order dated 14.10.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded and a report was called for on the following counts:-

“(i) Whether there is any other accused other than the petitioners, arrayed in this petition.

(ii) Whether there is any other complainant or

affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

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

“1. No, there is no any other person arrayed as accused in present FIR.

2. As per the statement of Investigating Officer, the present FIR was got registered by Sh. Avtar Singh son of Maggar Singh on behalf of her daughter Prabhjot Kaur. The complainant Avtar Singh had died on 03.04.2021. No other person involved as complainant/aggrieved person in the present case.

3. As per the statement of Investigating Officer, no accused declared as proclaimed person/proclaimed offender in the present case.

4. In view of the statements suffered by the parties, this Court is of the considered view that the parties have voluntarily entered into a genuine compromise with their free will without any undue influence or pressure.”

It is evident from the above that FIR, Annexure P-1, is an off-shoot of a matrimonial dispute, which has been settled and marriage has been dissolved.

In view of the above development, report of the Trial Court and judgment of a Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** as well as judgment of Supreme Court in ***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 prolonging the criminal proceedings would be a futile exercise.

Accordingly, the petition is allowed. FIR No.0009 dated 21.11.2020, registered for offences under Sections 406, 498-A and 120-B of the Indian Penal Code, 1860, at Police Station NRI, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

13.09.2022

Kamal

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