

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

265+121

CRM-M-40547-2021 (O & M)

Date of decision:20.04.2022

Nitin Luthra and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Raj Karan Singh, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-14079-2022

For the reasons given in the application, it is allowed.

Judgment and decree dated 01.04.2022 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 Cr.P.C. for quashing of FIR No.91 dated 28.05.2018 under Sections 498-A and 406 of IPC, 1860, registered at Police Station City Phagwara, District Kapurthala, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise/undertaking dated 27.08.2021, Annexure P-3.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the mother-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 25.10.2015 at

Phagwara, and a female child was born out of the wedlock. He submits that due to temperamental differences, the parties could not adjust with each other and FIR, Annexure P-1, has been registered as a result of marital discord between them. Counsel submits that the parties are residing separately since 14.03.2017 and dispute between them has been resolved by virtue of compromise, Annexure P-3. He submits that in terms of the compromise, the marriage between the parties has been dissolved vide judgment and decree, Annexure P-4, and the petitioner has paid the entire permanent alimony of Rs.5 lakhs. Still further, he submits that as agreed between the parties, the custody of the minor child is to remain with the complainant/respondent No.2.

Upon instructions from ASI Bakshish Singh, State counsel submits that on conclusion of investigation, final report under Section 173 of the Code has been presented, charge has been framed against both the accused-petitioners and prosecution evidence is going on.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise as well as the fact that the entire permanent alimony has been received. He has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 29.09.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court and get their statements recorded with regard to the compromise and a report was called for regarding the genuineness of the compromise and also as to whether P.O. proceedings are pending against any of the parties. Report has been received from the trial court, wherein it has been submitted that none of the parties have been declared as Proclaimed Offender and the compromise

between them is voluntary. The relevant extract of the report is reproduced as under:-

“In view of the above statements suffered by the parties, this Court is satisfied that compromise between the parties has been effected voluntarily without any threat or coercion and is genuine. The attested photocopies of statements of the parties and compromise are annexed herewith for kind perusal of your good-self and necessary action, please. The report is hereby submitted accordingly.”

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled and the marriage has been dissolved. Keeping in view the judgments of the 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 view that prolonging the criminal proceedings would be a futile exercise and setting them aside will enable the parties to lead their separate and independent lives.

Accordingly, petition is allowed. FIR No.91 dated 28.05.2018 under Sections 498-A and 406 of IPC, 1860, registered at Police Station City Phagwara, District Kapurthala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

20.04.2022

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(SUVIR SEHGAL)

JUDGE

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