

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

246

CRM-M-40987-2021 (O & M)

Date of decision:19.12.2022

Jarnail Kumar and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sachin Ohri, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Vishal Sharma, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-45061-2022

Application is allowed as prayed for.

Judgment and decree dated 03.09.2022 passed under Section 13-B of the Hindu Marriage Act, 1955, is taken on record as Annexure P-5.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.38 dated 31.08.2016 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Sadar Pathankot, District Pathankot, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 08.07.2021, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband of complainant/respondent No.2 and petitioners No.2 and 3 are his relatives. He submits that marriage of petitioner No.1 was solemnized with complainant/respondent No.2 on 22.02.2015 at Pathankot and there is no issue out of the wedlock. He submits that due to temperamental differences, they started living separately within a few months of marriage. Counsel submits that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled by compromise, Annexure P-2, marriage has been dissolved by judgment and decree, Annexure P-5. Counsel submits that the petitioners have paid entire permanent alimony of Rs.1 lac to the complainant/respondent No.2 and all disputes *inter se* parties have been resolved.

Upon instructions from ASI Balwinder Kumar, State counsel submits that prosecution evidence is underway and some witnesses have been examined.

Counsel for complainant/respondent No.2 has admitted the factum of settlement and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 30.09.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for, which has been received and its relevant extract is as under:-

“After going through the statements and the file, I am satisfied that both the parties have got recorded their statements voluntarily with regard to the compromise.

1. Apart from genuineness of compromise the Hon'ble High Court has sought information on

certain points which are as below:-

(i) Whether P.O. proceedings are pending against any of the accused.

Ans. As per statement of Investigating Officer ASI Lekh Raj No.1020/Gsp Posted at P.S Dharklan Pathankot, recorded wherein he stated that in the present FIR two accused i.e. petitioners are involved. No any PO proceedings are pending against any of the accused.”

Factual matrix reveals that FIR is primarily a result of marital discord, which has been amicably settled. Parties have gracefully parted ways and marriage has been dissolved. In view of the above developments, report of the trial court and the judgments of the Supreme Court in *B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court has no hesitation in quashing the FIR.

Accordingly, petition is allowed. FIR No.38 dated 31.08.2016 under Sections 498-A and 406 of IPC, 1860, registered at Police Station Sadar Pathankot, District Pathankot, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

19.12.2022

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(SUVIR SEHGAL)

JUDGE

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