

CRM-M-42282 of 2021

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-42282 of 2021 (O&M)

Date of decision:20.07.2022

Pawan Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

None for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.23946 of 2022

Application is allowed as prayed for.

Judgment and decree dated 10.05.2022 passed under Section 13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-4.

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Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.10 dated 16.05.2018 registered under Section 498-A of Indian Penal Code, 1860 at Women Police Station, Patiala (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 17.09.2021 (Annexure P-2).

Perusal of the case file reveals that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 27.02.2017 at Panchkula and there is no issue out of the wedlock. Due to martial discord, the parties started residing separately since April, 2020 and with the intervention of relatives, dispute was settled by compromise (Annexure P-2). Judgment and decree dated 10.05.2022 (Annexure P-4) shows that the marriage has been dissolved by mutual consent and the petitioner has paid Rs.2.00 lacs as full and final settlement of the claim of permanent alimony.

Upon instructions from SI Gurjeet Kaur, State counsel submits that although on conclusion of investigation, final report has been submitted, charge has been framed, but no prosecution witness has been examined.

On 07.10.2021, counsel for the complainant-respondent No.2 had admitted the factum of compromise.

Heard counsel for the parties.

Vide order dated 07.10.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court to get their statements recorded in support of the compromise and a report was called for on the following counts:-

- “1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR*

or not; and

5. The Trial Court is also directed to record the statement of Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

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

“1) In present case, only Pawan Kumar is arrayed as accused in present FIR.

2) As per the information, provided by the Investigating Officer, no person declared as proclaimed person in the present case.

3) 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.

4) As per the statement of accused, he is not involved in any other case.

5) As per the statement of Investigating Officer, the present FIR was got registered by Aisha Quershi complainant against accused Pawan Kumar and no other complainant/victim and accused except the mentioned above is involved in the present case. It is further submitted that complainant and accused are party to the compromise in question.”

It is apparent that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled. The estranged couple has not only parted ways but has broken marital ties.

In the above facts, report of the Trial Court as well as judgments of the Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the view that as the parties have decided to bury the hatchet, continuation of criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.10 dated 16.05.2018 registered under Section 498-A of Indian Penal Code, 1860 at Women Police Station, Patiala (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioner.

No order as to costs.

July 20, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes