

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH  
(247)

CRM-M-37970-2020  
Date of Decision:- 02.12.2022

Sahil Sodha and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Gupta, Advocate for the petitioners.

Mr. Aman Dhir, DAG, Punjab for State-respondent No.1.

Mr. Karan Bansal, Advocate for  
Mr. Shiv Kumar Rana, Advocate  
for complainant-respondent No.2.

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**SUVIR SEHGAL, J. (Oral)**

By making a reference to para 3 of the preliminary submissions of the reply dated 15.02.2021 filed on behalf of State-respondent No.1, counsel for the petitioners submits that as petitioner No.2 has been found to be innocent, he may be permitted to withdraw the petition in so far as the said petitioner is concerned.

Permission is granted.

Dismissed as withdrawn **qua petitioner No.2.**

On 27.04.2022, this Court passed the following order:-

*“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.70 dated 13.03.2020, registered for offences under Sections 354, 354-D, 506 and 511 of the Indian Penal Code, 1860 at Police Station Sadar Fazilka, District Fazilka, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise*

*dated 06.11.2020, Annexure P-2, arrived at between the parties.*

*Counsel for the petitioners submits that petitioner No.1 is the husband of complainant-respondent No.2 and petitioner No. 2 is a friend of petitioner No.1. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 29.01.2019 and there was no issue out of the wedlock. He submits that a marital dispute arose between the parties and FIR No.286 was lodged by the complainant-respondent No.2 on 07.08.2020 for offences under Sections 406, 498-A and 34 of the Indian Penal Code, 1860 at Police Station City Faridkot, which has been quashed on the basis of a compromise arrived at between the parties vide judgment dated 03.12.2020 passed in CRM-M-38043-2020. Still further, he submits that during the pendency of the instant petition, marriage between the parties has also been dissolved by judgment and decree dated 28.05.2021 passed under 13-B of the Hindu Marriage Act, 1955.*

*Upon instructions received from ASI, Malook Singh, State counsel submits that the matter is under investigation. Counsel representing the complainant has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.*

*The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 18.05.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-*

- 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 of the Area Magistrate/Trial Court be awaited for 10.10.2022.*

*Judgment and decree passed under Section 13-B of the Hindu Marriage Act, 1955 be placed on the record before the next date.”*

Report has been received pursuant to the above reproduced order and its relevant extract is as under:-

- (i) *That as per the statement of I.O., FIR was registered against three accused. Out of which one was unknown and the names of other two accused are Sahil Sodha and Vikram @ Vikram Gaba and they both have made statements before the Court with regard to compromise. As per the statement of I.O., none of the accused is absconder/P.O. in this case.*
- (ii) *That as per the statement of I.O., the name of complainant is Sheenu wife of Sahil Sodha daughter of Firangi Lal and she has appeared and made statement in support of the compromise.*
- (iii) *That as per the statement of I.O., challan in this case has not been presented till date.*
- (iv) *That the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.*
- (v) *That as per the statement of I.O., no other criminal case is pending against the accused.*

The judgment and decree of divorce passed under Section 13-B of the Hindu Marriage Act, 1955 dated 28.05.2021 has been placed on the record.

Counsel for the complainant-respondent No.2 has submitted that the entire permanent alimony has been received.

Heard counsel for the parties.

Since the FIR, Annexure P-1, has arisen out of a matrimonial dispute, which has been amicably settled and marital ties have ended in a divorce, keeping in view the judgment of Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court is of the opinion that continuation of the criminal proceedings will not serve any purpose.

Accordingly, the petition is allowed. FIR No. 70 dated 13.03.2020, registered for offences under Sections 354, 354-D, 506 and 511 of the Indian Penal Code, 1860, at Police Station Sadar Fazilka, District Fazilka, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed **qua petitioner No.1**.

(SUVIR SEHGAL)  
JUDGE

02.12.2022  
*Kamal*

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |