

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

236+132

CRM-M-38800-2020 (O & M)

Date of decision:08.04.2022

Simranjit Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Navkesh Singh Goraya, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Jeevan Gautam, Advocate for
Mr. Inderpal Singh Parmar, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-13125-2022

Allowed as prayed for.

Judgment and decree of divorce passed by the Family Court,
Ludhiana on 04.02.2021 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.06 dated 18.01.2016 under Sections 406 and 498-A of
IPC, 1860, registered at Police Station Women, Ludhiana, Annexure P-1,
along with all consequential proceedings arising therefrom, on the basis of
compromise deed dated 11.11.2020, Annexure P-2.

Counsel for the petitioner submits that marriage of the petitioner
was solemnized with complainant/respondent No.2 on 05.10.2014 and there
is no issue out of the wedlock. He submits that the parties could not adjust

with each other due to temperamental differences and have been living separately since 05.05.2015. He submits that FIR, Annexure P-1, is a fallout of a marital discord, which has been settled by virtue of compromise deed, Annexure P-2, and the marriage has been dissolved by judgment and decree, Annexure P-4. Still further, he submits that the petitioner has paid permanent alimony of Rs.2.50 lakhs to the complainant/respondent No.2 and the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Naresh Kumar, State counsel submits that after completion of investigation, final report has been submitted, charge has been framed and prosecution evidence is underway. As per his instructions, evidence of the complainant has been recorded.

Counsel representing the complainant/respondent No.2 has admitted the factum of compromise and has supported the petition.

Heard counsel for the parties.

Vide order dated 24.11.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded with regard to the compromise and a report was called for, from the trial court on following counts:-

- “1. Number of persons arrayed as accused in FIR,*
- 2. Whether any accused is 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.”*

Report has been received in compliance of the above reproduced order and its relevant extract is as under:-

- “5. From the statements suffered by the above stated parties, and the report received from Police Station Women Cell, Ludhiana, I am satisfied that the parties have voluntarily entered into compromise with each other and it appears to be*

genuine one and without any pressure or coercion in any manner. As such, a valid compromise has been arrived at between the parties. The query in the order dated 24.11.2020 passed by Hon'ble Punjab and Haryana High Court is answered as under:-

- i) One person has been arrayed as accused in this case namely Simranjit Singh, the present petitioner*
- ii) No accused has been declared as a proclaimed offender in this case;*
- iii) Compromise appears to be genuine, voluntary and without any coercion or undue influence; and*
- iv) Accused Simranjit Singh is not involved in any other FIR”*

FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled, and marriage between the parties has been dissolved by mutual consent. The parties have decided to bury the hatchet.

In view of the above development and keeping in view the judgment of Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834***, this Court is of the view that continuation of the criminal proceedings would be an exercise in futility and ends of justice would be served, in case they are set aside.

Accordingly, the petition is allowed. FIR No.06 dated 18.01.2016 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

08.04.2022

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(SUVIR SEHGAL)
JUDGE

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