

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

252

CRM-M-33400-2019
Date of decision:10.10.2022

Mohit Garg and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Hitesh Verma, Advocate for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

None for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.152 dated 30.05.2018 under Sections 498-A/354/506 and 406 of IPC, 1860, however, Sections 354, 506 and 406 of IPC were added later on, registered at Police Station City Sangrur, District Sangrur, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of *panchayati* compromise dated 11.01.2019, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of complainant/respondent No.2. He submits that marriage of petitioner

No.1 was solemnized with the complainant/respondent No.2 on 04.03.2017 at Sangrur and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties were unable to live together and separated in August, 2017. Counsel submits that FIR, Annexure P-1, which is a fallout of a matrimonial dispute, has been settled by *panchayati* compromise, Annexure P-2, and marriage has been dissolved by judgment and decree dated 04.09.2019, Annexure P-4. By referring to the statement of the complainant/respondent No.2 recorded in support of the present petition, counsel submits that she has stated that her entire claim has been satisfied in the divorce petition.

Upon instructions from ASI Badal Singh, State counsel submits that *challan* has been presented, but charge has not been framed.

There is no representation on behalf of the complainant/respondent No.2. Similar was the position on the previous three dates of hearing and vide order dated 16.05.2022, this Court directed the intimation of listing be given to her. As per office report, counsel representing respondent No.2 has been intimated.

Heard counsel for the parties.

Vide order dated 30.01.2020, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to the compromise and a report was called for regarding the genuineness of the compromise as also whether P.O. proceedings are pending against any of the parties.

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

“Therefore, from the statements of the parties to the case, this Court is satisfied that the compromise in the present case is genuine and the same has been arrived at without any kind of undue influence or pressure. Moreover, none of the parties to the petition has been declared proclaimed offender.”

Respondent No.2 is un-represented, but from a perusal of her statement recorded before the trial court as well as the report received, it is apparent that criminal proceedings, which had been initiated on account of a marital discord, have been amicably settled. In view of the above development, report of the trial court and judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose.

Accordingly, petition is allowed. FIR No.152 dated 30.05.2018 under Sections 498-A/354/506 and 406 of IPC, 1860, however, Sections 354, 506 and 406 of IPC were added later on, registered at Police Station City Sangrur, District Sangrur, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

10.10.2022
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(SUVIR SEHGAL)
JUDGE

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