

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-44642 of 2021
Date of decision:20.07.2022

Bhupinder Singh

... Petitioner

Vs.

U.T.Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl.P.P., U.T.Chandigarh.

Mr. Hardeep Singh, Advocate for
Mr. Vishal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.28 dated 07.04.2017 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 02.09.2021 (Annexure P-2).

Counsel for the petitioner submits that marriage of petitioner was solemnized with the complainant-respondent No.2 on 11.02.2015 and a child was born out of the wedlock in December, 2015. He submits that due

to temperamental differences, the parties could not adjust with each other and have been residing separately since May, 2016. He states that the matrimonial dispute has been settled by compromise (Annexure P-2) and marriage has been dissolved by mutual consent, vide judgment and decree dated 22.03.2022 (Annexure A-3). Counsel submits that all claims *inter se* parties have been settled and as per compromise, custody of the child is to remain with the complainant-respondent No.2.

Upon instructions from ASI Ram Lubhaya, learned Additional Public Prosecutor, U.T.Chandigarh submits that trial has started, though no prosecution witness has been examined.

Counsel for the complainant-respondent No.2 has admitted the factum of compromise and does not oppose the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 27.10.2021, 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 from the Court concerned regarding genuineness of the compromise and also as to whether any P.O. proceedings are pending against any of the parties. As per the report, the matter has been compromised without any pressure, coercion or undue influence and the complainant does not have any objection to the quashing of FIR. It has also been reported that the compromise is genuine and none of the parties have been declared as P.O.

Matrimonial dispute has been resolved and marriage of the estranged couple has been dissolved by mutual consent. In view of this

development, report of the Trial Court and judgments of the Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** and **Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322**, this Court is of the view that continuation of criminal proceedings would be an exercise in futility, rather setting aside them would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.28 dated 07.04.2017 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Women Police Station, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

July 20, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes