

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

265+124

CRM-M-46985-2021 (O & M)

Date of decision:20.07.2022

Rajiv Mehta and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nitesh Singla, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Rishav Jain, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-24972-2022

Application is allowed as prayed for.

Judgment and decree dated 22.04.2022 granting divorce by
mutual consent is taken on record as Annexure P-5.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for
quashing of FIR No.112 dated 18.09.2018 under Sections 498-A, 406
and 34 of IPC, 1860, registered at Police Station City Budhlada, District
Mansa, Annexure P-1, alongwith all subsequent proceedings arising out
of the same, on the basis of *panchayati* compromise dated 08.10.2021,
Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the
husband, petitioners No.2 and 3 are parents-in-law and petitioner No.4 is
the go-between to the marriage of petitioner No.1 with the
complainant/respondent No.2, which was solemnized on 28.04.2017. He

submits that there is no issue out of the wedlock. He submits that due to temperamental differences, the parties could not adjust with each other and have been living separately since 01.01.2018. According to the counsel, with the intervention of the respectables, matrimonial dispute has been settled by virtue of *panchayati* compromise, Annexure P-2, marriage has been dissolved by mutual consent vide judgment and decree, Annexure P-5, and the entire permanent alimony of Rs.7 lac has been paid.

Upon instructions from Constable Bajwinder Singh, State counsel submits that upon conclusion of investigation, final report has been presented against all the 04 accused-petitioners, charge has been framed, but no prosecution witness has stepped into the witness-box.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 11.11.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded in support of the compromise and a report was called for, which has been received and its relevant extract is reproduced as under:-

“(1) The number of the 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;

Having gone through the judicial record, the statements of the parties and after having called for the report of concerned criminal Ahlmad, Naib Court of this court, this court finds that there are four persons namely Rajiv Mehta, Om Parkash Mehta, Raj Rani alias Raj Kumari and Krishan Kumar, who are nominated as accused in the present FIR and

all of them have appeared in the court and compromised the matter with the complainant.

Statement of Rajiv Mehta, Om Parkash Mehta, Raj Rani alias Raj Kumari and Krishan Kumar on one side and that of the complainant Ranjana Saluja on the other side have been recorded therein.

As per the record, none of the accused is proclaimed offender in the present case nor any accused is absconding in the present 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 compromised (sic compromise):*

From the record and from the statement of parties, this court finds that there is only one complainant/aggrieved namely Ranjana Saluja and she had appeared and made her statement in support of the compromise.

- (3) *the stage of trial/proceedings:*
The present case is now fixed for prosecution witnesses.
- (4) *If the compromise is genuine, voluntarily and out of free will of the parties;*

So as to give opinion with regard to genuineness or otherwise of the compromise, the undersigned had recorded the statement of complainant/ aggrieved/ injured namely Ranjana Saluja, who is the complainant in the case titled as "Rajiv Mehta and others Versus State of Punjab and Another".

In her statement she had submitted that the present FIR was registered at her instance against the accused Rajiv Mehta, Om Parkash Mehta, Raj Rani alias Raj Kumari and Krishan Kumar, under sections 498A, 406, 34 of IPC. However, with the intervention of the panchayat members and other respectable persons of the society, they have compromised the matter with each other. She had entered into written compromise with her own sweet will and consent, without there being any pressure or coercion or any undue influence from any quarter, which has already been submitted before the Hon'ble High Court and she watch out (sic) for the said compromise and will not resile out from the same. She does not want to take any action against the present accused. She had further submitted that today she is suffering the present statement with her

free will and consent, fully understanding the legal consequences of the same, without there being any pressure, coercion or undue influence from any quarter. She further submitted that no criminal case is pending against her and she has no objection if the present petition is allowed and the accused are acquitted from the present FIR/case. She was duly identified by her counsel Sh. Vijay Kumar, Goyal Advocate.

In the same manner, the joint statement of the accused Rajiv Mehta, Om Parkash Mehta, Raj Rani alias Raj Kumari and Krishan Kumar was also recorded, wherein they had submitted that they are nominated as accused in the present case. Now with the intervention of the panchayat members and other respectable persons of the society, they have compromised the matter with the complainant and now no dispute is pending between them and the complainant. They had entered into written compromise with the complainant with their own sweet will and consent, without there being any pressure or coercion or any undue influence from any quarter, which has already been submitted before the Hon'ble High Court and they watch out (sic) for the said compromise and will not resile out from the same. They further submitted that today they are suffering the present statement with their free will and consent, fully understanding the legal consequences of the same, without there being any pressure, coercion or undue influence from any quarter. They further prayed that the present petition may kindly be allowed and they be acquitted from the present FIR/case. They further submitted that no other criminal case/complaint is pending against them and none of them have been declared proclaimed offender in the present case. They were duly identified by their counsel Sh. Bhupesh Bansal, Advocate.

Thus, in view of the statement of the parties, this court finds that the compromise is genuine, voluntarily and it is made with the free will and consent of the parties fully understanding the legal consequences of the same.

- (5) *whether any other criminal case is pending against the accused.*

From the statement of the parties,

report of the criminal Ahlmad of this court and that of the Naib Court, this court finds that no other criminal case is pending against the accused/petitioners.

Thus, in view of the statement of the parties, this court finds that the compromise is genuine voluntarily and with the free will and consent of the parties, without there being any pressure, threat or coercion from any quarter and it is for their betterment.”

FIR, Annexure P-1, is an offshoot of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by mutual consent. This Court is, therefore, of the view that as the parties have decided to bury the hatchet, continuation of criminal proceedings would be an exercise in futility. In view of the above facts and circumstances, report of the trial court and the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, criminal proceedings deserve to be set at naught.

Accordingly, petition is allowed. FIR No.112 dated 18.09.2018 under Sections 498-A, 406 and 34 of IPC, 1860, registered at Police Station City Budhlada, District Mansa, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

20.07.2022

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(SUVIR SEHGAL)

JUDGE

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