

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

244

CRM-M-37042-2019

Date of decision:26.04.2022

Rakesh Kumar Gogna and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.D. Bansal, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. J.K. Khetarpal, Advocate for
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.112 dated 16.12.2017 under Sections 406 and 498-A of IPC, 1860, registered at Women Police Station, Police Commissionerate, Ludhiana, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of settlement/agreement dated 23.07.2018, Annexure P-2.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are in-laws of the complainant/respondent No.2. He submits that marriage of petitioner No.1 took place with complainant/respondent No.2 on 04.02.2013 and there is no child out of the wedlock. He submits that due to temperamental differences, they could not adjust with each other and have been living separately since 05.12.2016 and the marital dispute has been settled by virtue of settlement/agreement, Annexure P-2, arrived at before the Mediation and

Conciliation Centre of this Court. By referring to the judgment and decree, dated 21.01.2019 Annexure P-3, counsel submits that the marriage has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, and the entire permanent alimony of Rs.9 lakhs stands paid. He submits that in deference to order passed by this Court, the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Veena Rani, State counsel submits that matter is under investigation and all the three accused-petitioners have joined the investigation and have not been declared as Proclaimed Offender.

Counsel for the complainant/respondent No.2 has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 21.02.2022, this Court directed the parties to appear before the Area Magistrate/Trial Court and get their statements recorded and a report was called for on the following counts:-

- “i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.”*

Report has been received from the Trial Court and its relevant extract is reproduced as under:-

“It is respectfully submitted that the name of complainant is Sakshi Arora and the names of accused arrayed in the FIR are Rakesh Kumar Gogna, Kanwal Gogna and Anita Gogna and they all appeared and made their respective statements in support of the compromise so effected between them.

2. Further, as per report of concerned Ahlmad and statement of Investigating Officer, no accused has been declared as Proclaimed Offender.
3. Only FIR has been lodged in the present case.”

It is apparent that FIR, Annexure P-1, has emanated from a matrimonial dispute, which has been settled, marriage has been dissolved and the parties have decided to bury the hatchet.

Keeping in view the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543*, this Court is of the opinion that prolonging the criminal proceedings would be an exercise in futility and setting them aside will enable the parties to lead independent and peaceful life.

Accordingly, petition is allowed. FIR No.112 dated 16.12.2017 under Sections 406 and 498-A of IPC, 1860, registered at Women Police Station, Police Commissionerate, Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

26.04.2022

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(SUVIR SEHGAL)
JUDGE

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