

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-49048-2021
Date of Decision:- 11.03.2022

Prince @ Lucky

...Petitioner

VERSUS

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. C.S.Jattana, Advocate for the petitioner.

Mr. Anupam Bansal, Addl. P.P., U.T., Chandigarh
for the State-respondent No.1.

Mr. Nitin Ahluwalia, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 24.11.2021, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0009 dated 23.02.2018 under Sections 406 and 498-A of the Indian Penal Code, 1860, registered at Police Station – Women Police Station, District Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 11.11.2021, Annexure P-2.

Counsel for the petitioner submits that FIR, Annexure P-1, is a result of marital discord between the petitioner and his wife-complainant-respondent No.2, which has been settled by virtue of compromise, Annexure

P-2, which is supported by affidavit dated 11.11.2021 executed by respondent No.2. He submits that the petitioner has not been declared as proclaimed offender in the present case.

Notice of motion.

On asking of the Court, Mr. Anupam Bansal, Addl. P.P., U.T., Chandigarh accepts notice on behalf of respondent No.1-State. Mr. Nitin Ahluwalia, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has admitted the factum of compromise between the parties. He submits that the couple is now residing together in their matrimonial home.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 24.01.2022 or on any date within a fortnight thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of 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;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Illaqa Magistrate/trial Court be awaited for 11.03.2022.”

Report has been received pursuant to above reproduced order and its relevant extract is as under:-

- (1) That, as per statement of ASI, Ram Lubhaya, Belt No.387/CHG, only person, namely, Prince @ Lucky has been arrayed as accused and as per record, neither accused has been declared as Proclaimed Offender in the present case nor any P.O. proceedings are pending against him.*
- (2) That, as per statement of ASI, Ram Lubhaya, Belt No.387/CHG, Neelam Rani is the only victim/affected/aggrieved party, who has been arrayed as complainant. She has appeared in the Court on 24.01.2022 and suffered a separate statement with regard to compromise.*
- (3) That, as per judicial record, the stage/proceedings of the present case is for prosecution evidence.*
- (4) That, considering the statements of parties, i.e., complainant and the accused that they have amicably settled their dispute and now the complainant does not want to take any further action against the accused, so in my considered opinion the compromise effected between the parties is quite genuine, without any coercion or undue influence from any side.*
- (5) That, as per statement of ASI, Ram Lubhaya, Belt No.387/CHG, no other criminal case is pending against accused.”*

Considering the fact that the FIR is an outcome of a matrimonial dispute, which has been settled, and the parties are living together under one roof and in view of the judgments of the Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582, 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, this Court is of the view that no purpose would be served in continuing with the criminal proceedings, rather quashing of the same would enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.0009 dated 23.02.2018, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Women Police Station, Chandigarh, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

11.03.2022
Kamal

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