

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(135+276)

CRM-M-48828-2021 (O&M)

Date of Decision:- 23.05.2022

Aditya Ramani and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ankur Bansal, Advocate for the applicants-petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the State-respondent No.1.

Ms. Promila Nain, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-17846-2022

Application is allowed as prayed for.

Annexures P-6 to P-8 are taken on record

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.19 dated 07.02.2020, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 11.10.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 at Mumbai on 24.08.2014 and there is no issue out of the wedlock. He submits that due to irreconcilable differences between the couple, they have been living separately since 25.07.2019 and all efforts to bring about reconciliation between them failed. He submits that the marital dispute has been settled by way of compromise, Annexure P-2, marriage has been dissolved vide judgment and decree dated 18.04.2022, Annexure P-6, and the entire permanent alimony of Rs.13 Lakhs has been paid to the complainant-respondent No.2. By referring to the statements of the parties, Annexures P-7 and P-8, respectively, he submits that all the claim regarding maintenance as well as dowry stands settled.

Upon instructions received from ASI, Kulwinder Singh, State counsel submits that all the three petitioners have been named as accused and upon completion of investigation, challan has been presented against all of them, though charge has not been framed.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 07.04.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements

recorded with regard to the compromise and a report was called for on the following points:-

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

“As per record the name of the complainant of the present case is Gunjan Samra and except her there is no other complainant in this FIR. The name of the accused are Aditya Ramani, Ramani Rajan and Asha Ramani Rajan as per FIR. Except them, there are no other persons nominated by the police as accused. As per record, accused persons are neither involved in any other case nor declared proclaimed offenders in any other criminal case. Both parties appeared in the court and suffered statement regarding compromise. At present, the case is pending for service of accused.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This Court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been settled and marriage has been dissolved. Parties have settled their claims and have decided to bury the hatchet.

In view of the above background and report of the Trial Court as well as the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*, this Court is of the opinion that keeping the criminal proceedings alive will not serve any purpose and the interest of justice will be served in case these are set aside.

Accordingly, the petition is allowed. FIR No.19 dated 07.02.2020, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, Jalandhar, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

23.05.2022
Kamal

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