

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-48932-2021-
Date of Decision:- 31.10.2022

Balkar Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Arora, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Ms. Gurkanwal Kaur, Advocate for
Mr. G.S.Rawat, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.55 dated 06.11.2015, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Tibber, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 27.02.2020, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute between complainant-respondent No.2 and her husband, Charanjit Singh, who has unfortunately expired on 08.03.2016 after the registration of the FIR. He submits that the petitioners

are the parents-in-law of complainant-respondent No.2 and the dispute has been amicably settled by virtue of compromise, Annexure P-2. He submits that there was no child out of the wedlock.

Upon instructions received from ASI, Gurnam, State counsel submits that the trial is underway and some prosecution witnesses have been examined.

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

Heard counsel for the parties.

Vide order dated 22.03.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for. Report has been received and its relevant extract is as under:-

“In the light of the statements suffered by respondent No.2 Kulwinder Kaur (complainant) and petitioner aforementioned, I am of the considered view that compromise entered between the parties is genuine, voluntary and is free from any threat, pressure or undue influence. It is further most humbly submitted that as per statement of Investigating Officer, SI Sukhjit Singh, none of the petitioners have been declared as proclaimed persons. Except this case, there is no other criminal case/cross-case pending against each other. The report submitted accordingly.”

Keeping in view the fact that FIR, Annexure P-1, has emanated from a matrimonial dispute, spouse of complainant-respondent No.2 has expired and the remaining parties have decided to bury the hatchet, this Court has no hesitation in exercising its inherent powers and quashing the criminal proceedings.

In view of the judgment of Supreme Court in *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, petition is allowed.

FIR No.55 dated 06.11.2015, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Tibber, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

31.10.2022
Kamal

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