

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

277+125

CRM-M-49643-2021 (O & M)

Date of decision:08.08.2022

Jagdeep Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anmol Puri, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Akash Yadav, Advocate for

Mr. Abhinav Gupta, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-27323-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 12.05.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-7.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.85 dated 17.10.2018 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, District Ludhiana, Annexure P-4, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 09.11.2021, Annexure P-5.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are parents-in-law of respondent No.2. He submits that marriage of petitioner No.1 was solemnized with respondent No.2 on 07.02.2005 at Ludhiana and a daughter was born out of the

wedlock. Counsel submits that due to temperamental differences, parties could not pull along and have been residing separately since July, 2017. He submits that FIR, Annexure P-4, is an outcome of a marital discord, which has been settled by virtue of compromise, Annexure P-5, marriage has been dissolved by mutual consent vide judgment and decree, Annexure P-7, and the entire permanent alimony of Rs.1 crore has been paid. Still further, by referring to the terms of the compromise, he submits that custody of the minor child is with respondent No.2.

Upon instructions, State counsel submits that matter is under investigation.

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

Heard counsel for the parties.

Vide order dated 17.01.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded and a report was called for on the following aspects:-

- “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 and its relevant extract is reproduced as under:-

- “1. It is respect fully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, only petitioners/accused are arraigned in the present FIR and and they*

all are (sic have) appeared and have made their statement regarding compromise and they have not been absconding/PO in this case nor any criminal case is pending against them.

2. Further, the name of the complainant/aggrieved is Tejinder Kaur i.e. respondent No.2, who has appeared and made her statement in support of the compromise.

3. In the present case, only FIR has been produced.

4. So, from the statements of the parties, it appears to the court that the parties have been (sic) compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.”

It is evident from the above that FIR, Annexure P-4, is an outcome of a matrimonial dispute, which has been amicably settled and marriage has been dissolved by mutual consent. Keeping in view of the above facts and circumstances, report of the trial court and the judgments of the Supreme Court in ***Madan Mohan Abbot versus State of Punjab (2008) 4 SCC 582***; and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the FIR.

Accordingly, petition is allowed. FIR No.85 dated 17.10.2018 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, District Ludhiana, Annexure P-4, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

08.08.2022

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(SUVIR SEHGAL)
JUDGE

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