

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CRM-M-39593-2019 (O&M)
Date of Decision:- 26.08.2022

David M. Parteek @ Vicky and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Varun Sharma, Advocate for the applicants-petitioners.

Mr. P.S.Grewal, AAG, Punjab for State-respondent No.1.

Mr. Ritesh Pandey, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-30105-2022

Prayer in the application is for preponement of the hearing of main case, which is fixed for 11.10.2022.

Noticing the prayer made in the application, it is allowed.

Date of hearing of the main case is advanced to today and it is ordered to be taken up on Board.

CRM-30107-2022

Application is allowed as prayed for.

Judgment and decree of divorce dated 06.02.2020 passed under Section 10-A of the Divorce Act, 1869 as well as *Xerox* copy of demand draft of Rs.1.75 lacs are taken on record as Annexures P-5 and P-6, respectively.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0242 dated 17.11.2018, registered for offences under Sections 406, 498-A, 120-B and 323 of the Indian Penal Code, 1860, at Police Station City Gurdaspur, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 19.07.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 07.05.2014 and there is no issue out of the wedlock. Counsel submits that due to marital incompatibility, the parties could not cope up with each other and have been living separately since 31.07.2018. He submits that the marital dispute has been settled by virtue of compromise, Annexure P-2, arrived at before the Mediation and Conciliation Centre of this Court and marriage has been dissolved by judgment and decree, Annexure P-5. By referring to the terms of compromise, counsel submits that the litigation *inter se* the parties has been withdrawn and out of the agreed permanent alimony of Rs.7.75 lacs, an amount of Rs.6 lacs has been paid and a demand draft of Rs.1.75 lacs, *Xerox* copy of which is Annexure P-6, is being handed over to the counsel for the complainant-respondent No.2.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and acknowledges the receipt of demand draft, Annexure P-6.

Heard counsel for the parties.

Vide order dated 17.09.2019, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements with regard to the compromise and a report was called for on the following points:-

- “i) Number of persons arrayed as accused in FIR;*
- ii) Whether any accused is Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) Whether the compromise is genuine, voluntary, and without any coercion of undue influence.”*

Report has been received and its relevant extract is as under:-

- “1. As per statement of Investigating Officer, there are three (03) persons arrayed as accused in FIR;*
- 2. As per statement of Investigating Officer, no accused is proclaimed offender;*
- 3. As per statement of Investigating Officer, the challan has not been presented in the Court.*
- 4. It is evident from the statements of the parties that the compromise is genuine, voluntary and without any coercion or undue influence.”*

Considering the fact that the FIR, Annexure P-1, is an outcome of a matrimonial dispute, which has been settled, marriage has been dissolved and the judgment of Supreme Court in ***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 criminal proceedings.

Accordingly, the petition is allowed. FIR No.0242 dated 17.11.2018, registered for offences under Sections 406, 498-A, 120-B and 323 of the Indian Penal Code, 1860, at Police Station City Gurdaspur, District Gurdaspur, Annexure P- 1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

26.08.2022
Kamal

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