

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(135+291)

CRM-M-51149-2021 (O&M)-
Date of Decision:- 08.12.2022

Ashok Kumar and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj R. Sharma, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab for State-respondent No.1.

Mr. Sandeep Sharma, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-42912-2022

Application is allowed as prayed for.

Judgment and decree dated 14.10.2022 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure A-1.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.86 dated 24.10.2021, registered for offences under Sections 323, 326 and 498-A of the Indian Penal Code, 1860, at Police Station Dera Baba Nanak, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on

the basis of compromise dated 22.11.2021, 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 parents-in-law of complainant-respondent No.2. He submits that petitioner's marriage was solemnized with complainant-respondent No.2 on 07.12.2020 in District Gurdaspur and there is no issue out of the wedlock. He submits that due to temperamental differences between the parties, they could not pull along and they have been living separately since March, 2021. He submits that FIR, Annexure P-1, which is an outcome of a matrimonial dispute, has been amicably settled by virtue of compromise, Annexure P-2. Reference has also been made by the counsel to the affidavit, Annexure P-3, executed by complainant-respondent No.2. Still further, he submits that marriage has been dissolved by judgment and decree, Annexure A-1, and entire permanent alimony of Rs.3.50 lacs has been paid.

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

Counsel representing complainant-respondent No.2 besides admitting the factum of settlement, submits that he does not have any objection in case the prayer is acceded to.

Heard counsel for the parties.

Vide order dated 07.12.2021, this Court directed the parties as well as Investigation Officer to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on

the various aspects of the proceedings. Report has been received and its relevant extract is as under:-

“There are three persons arraigned as accused in the present FIR namely, Ashok Kumar s/o Ramesh Lal @ Ramesh Chand, Ramesh Chand s/o Tara Chand & Santosh wife of Ramesh Chand, all residents of village Bhopar Saidan, Tehsil & District Gurdaspur and they have been appeared and recorded their statements with regard to compromise and no accused has been declared as proclaimed offender in this case.

2. There is one person arraigned as complainant/aggrieved in the present FIR namely, Frooti d/o Ashok Kumar r/o Ward No.5, Dera Baba Nanak, District Gurdaspur and she has appeared and recorded her statement with regard to compromise.

3. Challan has not been presented in the present FIR till today.

4. After considering the statements of the parties as well as IO, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.

5. No other criminal case is pending against the present accused-petitioners.

It is evident that FIR, Annexure P-1, has arisen out of a matrimonial dispute, which has been amicably settled and parties have gracefully parted ways.

Keeping in view the above developments, report of the Trial Court and the judgments of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, this Court is of the view that keeping the criminal proceedings alive would be a futile exercise.

Accordingly, the petition is allowed. FIR No.86 dated 24.10.2021, registered for offences under Sections 323, 326 and 498-A of

the Indian Penal Code, 1860, at Police Station Dera Baba Nanak, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

08.12.2022

Kamal

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