

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40229 of 2019
Date of decision:10.10.2022

Jagroop Singh

... Petitioner

Vs.

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kulwant Singh, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Sarvjeet Thakur, Advocate
for 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.17 dated 09.02.2018, registered for offences under Sections 406, 498-A of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1), alongwith all other proceedings arising therefrom, on the basis of affidavit dated 06.05.2019 (Annexure P-2) executed by the complainant-respondent No.2.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 14.02.2016 at Ludhiana. However, there is no issue out of the wedlock. He submits that due to irreconcilable differences, the parties could not adjust with each other

and have been residing separately since May, 2017. Counsel submits that FIR (Annexure P-1), which is fallout of a matrimonial dispute, has been settled as is apparent from the affidavit (Annexure P-2) executed by the complainant-respondent No.2. He submits that marriage has been dissolved by judgment and decree dated 18.11.2019 passed under Section 13-B of the Hindu Marriage Act, 1955, which are taken on record as Annexures P-4 and P-5, respectively and the entire permanent alimony of Rs.4.70 lacs has been paid.

Upon instructions received from ASI Meet Ram, State counsel submits that charge has been framed, but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 07.11.2019, this Court directed the parties to appear before the Trial Court for getting their statements recorded and a report was called for regarding the genuineness of the compromise, stage of the trial as also as to whether any of the petitioners have been declared as Proclaimed Offender. Report has been received and its relevant extract is as under:-

“Accordingly, the statements of the complainant-respondent Mandeep Kaur aged about 35 years w/o Jagroop Singh and D/o late Baljit Singh Grewal, R/o VPO Barundi, Tehsil Raikot, District Ludhiana, at present R/o village Aassi

Kalan, Tehsil and District Ludhiana and petitioner/accused namely Jagroop singh aged about 35 years S/o Avtar Singh, R/o Barundi, Tehsil Raikot, District Ludhiana have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Id. Counsel. So, from the statements of the parties, it appears to the Court that the parties have been compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

Further, it is submitted that in the quashing petition, the mother of petitioner put her appearance through Special Power of Attorney, but today in the Court, petitioner/accused himself appeared and got recorded his statement.

As per report of Ahlmad and statement of the parties as well as statement of the Investigating Officer, accused has not been declared as proclaimed offender.

In the present FIR, challan has been presented against the accused.”

It is evident from the above that matrimonial dispute which has resulted into registration of FIR (Annexure P-1), has been amicably settled and the parties have parted ways. Their marriage has been dissolved by mutual consent.

In view of the above, report of the Trial Court and judgment of Supreme Court in **Narinder Singh Versus State of Punjab (2014) 6 SCC 466**, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose.

Accordingly, petition is allowed. FIR No.17 dated 09.02.2018, registered for offences under Sections 406, 498-A of the Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1), alongwith all other proceedings arising therefrom, are quashed qua the petitioner.

October 10, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes