

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

130+275

CRM-M-51852 of 2021 (O&M)

Date of decision:26.07.2022

Robin Sharma

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Saurabh Arora, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Mandeep K. Dhot, Advocate for
Mr. S.S.Kainth, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.25480 of 2022

Application is allowed as prayed for.

Judgment and decree dated 30.03.2022 passed under Section
13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-5.

CRM-M-51852 of 2021

On 19.01.2022, this Court passed the following order:-

“ Heard through video conferencing.

*Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.111 dated 06.06.2017 registered*

under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station City Faridkot, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, on basis of compromise dated 28.09.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 06.11.2015 and there was no child out of the wedlock. However, due to differences between the parties, they have been living separately since 16.08.2016. He submits that FIR (Annexure P-1) is an aftermath of marital dispute which has been resolved by virtue of compromise (Annexure P-2) and a petition seeking divorce by mutual consent has been filed under Section 13-B of Hindu Marriage Act, 1955, whereunder a sum of Rs.55,000/- has been paid to the complainant at the time of recording of the first motion and the balance amount of Rs.55,000/- is to be paid on 30.03.2022, when the matter is fixed for recording of the second motion. By referring to para 9 of the petition, counsel submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Shivinder Singh, he submits that

investigation is complete, challan has been presented and the charge has been framed but no prosecution witness has been examined.

Mr. Sukhwinder Singh Kainth, Advocate, who appears on behalf of respondent No.2, admits the factum of compromise as well as the submission made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the trial Court/Illaqa Magistrate on 30.03.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaqa Magistrate shall submit the report on or before the next date of hearing specifying the following:-

- 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 of trial Court/Illaq Magistrate be awaited for 25.04.2022”

Counsel for the petitioner submits that petitioner has paid the balance permanent alimony of Rs.55,000/- to the complainant-respondent No.2 and the marriage has been dissolved by judgment and decree dated 30.03.2022 (Annexure P-5). Still further, he submits that in pursuance to the above reproduced order, parties have appeared before the Trial Court/Illaq Magistrate and their statements have been recorded in support of the compromise.

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

Heard counsel for the parties.

In compliance of the above reproduced order, a report has been received from the Trial Court and its relevant extract is as under:-

“From the above statements, it appears that parties have voluntarily entered into compromise and the compromise is genuine, voluntarily, out of free will and without any threat, pressure or undue influence. It is further submitted that in the present case, complainant and aggrieved is only Lovely Sharma and she supported statement in support of the compromise. It is further respectfully submitted that as per statement of retired SI Karamjit Singh, none of the accused has been declared as proclaimed offender in the above mentioned FIR, no other case is pending against the accused and one

accused is arraigned in the present FIR. It is further respectfully submitted that the case is at the stage of filing reply by prosecution to the application for exemption of personal appearance of accused till the decision of the case.”

It is evident from the above that the matrimonial dispute as well as all the claims between the parties have been settled and the marriage has been dissolved.

Keeping in view the above, report of the Trial Court as well as judgments of the Supreme Court **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, this Court is of the view that continuation of criminal proceedings would not serve any purpose.

Accordingly, the petition is allowed. FIR No.111 dated 06.06.2017 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station City Faridkot, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

July 26, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>