

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M-52642-2021
Date of decision: 04.04.2022**

Charanjeet Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.K.Raghuvanshi, Advocate for
Mr. Vijay Lath, Advocate for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

Mr. Tushar Sharma, Advocate for respondent No.2.

SUVIR SEHGAL J.(ORAL)

Prayer in this petition is for quashing of FIR No.0186 dated 12.12.2019 registered under Sections 406 and 498-A of IPC, 1860, at Police Station Chamkaur Sahib, District Rupnagar, Punjab, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 15.10.2021, 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 in-laws of complainant-respondent No.2. He submits that marriage of petitioner No.1 was

solemnized with complainant-respondent No.2 on 30.03.2014 and a son was born out of the wedlock. He submits that FIR, Annexure P-1 is a result of matrimonial dispute, which has been settled by virtue of compromise, Annexure P-2 and the couple is now residing together under one roof. He submits that the parties have appeared before the trial Court pursuant to order passed by this Court and their statements have been recorded in support of the compromise.

Upon instructions from SI Charanjit Singh, State counsel submits that investigation has been concluded, challan has been presented, charges have been framed and prosecution evidence is being recorded. Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supported the petition.

Heard learned counsel for the parties.

Vide order dated 16.12.2021, this Court directed the parties as well as the Investigating Officer to appear before the trial Court/Area Magistrate and get their statements recorded with regard to the compromise. A report was called for from the Court on following counts:

- 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 relevant extract of which is as under:-

- “1. There are three accused namely Sukhwinder Singh son of Harbans Singh, Sita Rani wife of Sukhwinder Singh and Charanjeet Singh son of Sukhwinder Singh arrayed in this case. All above-named accused persons appeared and made their statements. None of the accused persons has been declared as absconding/P.O. in the present case/FIR.*
- 2. There is only one complainant namely Gurdeep Kaur who has appeared and made statement in support of the compromise.*
- 3. The present case is at the stage of prosecution evidence.*
- 4. From the statements of complainant, accused Sukhinder Singh, Sita Rani and Charanjeet Singh and written compromise Mark A, compromise seems to be genuine, voluntary and out of the free will of the parties.*
- 5. As per statement of Investigating Officer, there is no other FIR pending against above-named accused persons.”*

FIR is a result of misunderstanding between the couple which has been resolved and the parties are staying together along with their child.

In view of the above development as well as the judgment of the Supreme Court in ***Narinder Singh Versus State of Punjab*** (2014) 6 SCC 466 and ***Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another*** (2017) 9 SCC 641, this

Court is of the view that continuation of the criminal proceedings would not

serve any purpose rather quashing them would make the parties to live in harmony and lead a peaceful life.

Accordingly, the petition is allowed. FIR No.0186 dated 12.12.2019 registered under Sections 406 and 498-A of IPC, 1860, at Police Station Chamkaur Sahib, District Rupnagar, Punjab, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

04.04.2022
pooja saini

(SUVIR SEHGAL)
JUDGE

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