

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

295

CRM-M-52654 of 2021
Date of decision:16.05.2022

Sukhjinder Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ramandeep, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. A.P.S. Tung, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 16.12.2021, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0019 dated 12.02.2016 (Annexure P-1) registered for offences under Sections 498-A, 323, 34 of Indian Penal Code, 1860 at Police Station Samana, District Patiala alongwith other consequential proceedings arising therefrom, on the basis of compromise dated 08.12.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1

is the husband, petitioner No.2 is the sister-in-law and petitioner No.3 is the mother-in-law of the complainant-respondent No.2. He submits that the FIR (Annexure P-1) has been lodged on account of marital discord between petitioner No.1 and complainant-respondent No.2, which has been settled by virtue of compromise (Annexure P-2) and the couple is residing happily together under one roof.

Notice of motion.

On asking of the Court, Mr.H.S.Multani, Assistant Advocate General, Punjab accepts notice on behalf of respondent No.1-State and Mr. Tarun Sharma, Advocate appears on behalf of respondent No.2-complainant and has filed his 'Vakalatnama', which is taken on record. He has admitted the factum of compromise effected between the parties and the statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the trial Court/Illaq Magistrate on 09.02.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Duty Magistrate/Illaq 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 04.04.2022.”

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“1. As per the statements of complainant and retired Inspector Lakhwinder Singh son of Gopal Singh, r/o Jalalpur, Tehsil Patran District Patiala, FIR bearing No.0019 dated 12.02.2016 under Sections 498-A, 323, 34 IPC was registered at P.S.Sadar Samana against accused Sukhjinder Singh son of Gurcharan Singh, Balwinder Kaur @ Baljinder Kaur wife of Gurwinder Singh, Darshan Kaur wife of Gurcharan Singh and Gurwinder Singh son of Gurcharan Singh, all residents of vilage Dhanetha, Tehsil Samana, District Patiala (Punjab) and out of them, accused Gurwinder Singh son of late Gurcharan Singh, resident of village Dhanetha, Tehsil Samana, District

Patiala has died on 19.10.2021. The copy of his death certificate is Ex.C2 and proceedings against him have been abated in this case vide order dated 10.12.2021. Except them, there is no other accused in this case and they all have appeared before this Court and suffered joint statement qua compromise. Furthermore, retired Inspector Lakhwinder Singh son of Gopal Singh, r/o Jalalpur, Tehsil Patran, District Patiala, investigating officer of this case has specifically stated that none of the accused is absconding/PO in any case nor such proceedings are pending against them.

2. Further, as per the statement of complainant Beant Kaur, except her, there is no other injured/aggrieved in this case and she has duly appeared before this Court and got recorded her statement in support of the compromise.

3. It is humbly submitted that as per judicial record, the present case is pending at the stage of prosecution evidence.

4. In view of the statements got recorded by both the parties, the undersigned is satisfied that the compromise effected between the accused and complainant is genuine, voluntary and is out of free will of the parties.

5. Further as per the statements of accused and retired Inspector Lakhwinder Singh son of Gopal Singh, r/o Jalalpur, Tehsil Patran, District Patiala, no other criminal case is pending against accused in any Court.”

FIR is a result of trivial matrimonial dispute, which has been settled and the parties are living together. In view of this development, report of the Trial Court as well as judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, this Court has no reservation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0019 dated 12.02.2016 registered for offences under Sections 498-A, 323, 34 of Indian Penal Code, 1860 at Police Station Samana, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

May 16, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes