

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

264+114

CRM-M-53615-2021 (O & M)
Date of decision:19.04.2022

Sanjeev Kumar and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Renu, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. S.K. Raghuvanshi, Advocate for
Mr. Vijay Lath, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-11743-2022

Allowed as prayed for.

Judgment and decree of divorce dated 05.10.2021 passed
under Section 13-B of the Hindu Marriage Act, 1955, is taken on record
as Annexure P-8.

Main Case

On 21.12.2021, this Court passed the following order:-

*“Heard through video conferencing.
Instant petition has been filed under
Section 482 Cr.P.C for quashing of FIR No.17 dated
11.02.2020 registered under Sections 498-A, 406 of
Indian Penal Code, 1860 at Police Station Balongi,
District SAS Nagar (Annexure P-1), on the basis of
settlement/compromise dated 05.03.2021 (Annexure
P-2) and 11.12.2021 (Annexure P-3) arrived at*

between the parties.

Counsel for the petitioners submits that FIR is an outcome of marital discord between the parties, which has been settled by virtue of settlement/compromise (Annexures P-2 and P-3) and the marriage of petitioner No.1 with respondent No.2 has been dissolved, vide judgment and decree dated 05.10.2021 passed under Section 13-B of Hindu Marriage Act, 1955. Counsel submits that in terms of the settlement, entire permanent alimony of Rs.10.00 lacs as well as articles mentioned in para 8 of the settlement have been handed over to the complainant-respondent No.2. She submits that the petitioners have not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State. Mr. S. K. Raghuvanshi, Advocate has put in appearance on behalf of the complainant-respondent No.2 and has filed his 'Vakalatnama', which is taken on record. He has admitted the factum of compromise as well as the statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the trial Court/Illaq Magistrate on 11.02.2022 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 19.04.2022.

Judgment and decree of divorce dated 05.10.2021 be placed on record before the date fixed.”

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

“In compliance with the aforesaid order, parties appeared on 11.02.2022 and complainant namely Manju Rani got recorded her statement stating that the FIR has been registered on the basis of her complaint against accused namely Sanjeev Kumar, Amarjeet Singh and Mukesh Rani. Now, with the intervention of respectables, they have compromised the matter with the accused persons. The said compromises i.e. Mark A and Mark B are without any threat, force and coercion. She has no objection if the present FIR alongwith other consequential proceedings be quashed against the above said accused persons.

Similarly, petitioners-accused Sanjeev Kumar, Amarjeet Singh and Mukesh Rani have got recorded their joint statement to the effect that the matter has been compromised. The said compromise is without any threat, force, coercion. The said FIR alongwith other consequential proceedings may kindly be quashed against them.

ASI Dilbagh Singh got recorded his statement to the effect that he is Investigating Officer of FIR No.17 dated 11.02.2020, under Sections 498-A, 409 IPC, P.S. Balongi, District SAS Nagar, and there is only one victim/complainant namely Manju Rani. He stated that there are total three accused namely Sanjeev Kumar, Amarjeet Singh and Mukesh Rani and none of the accused persons have been declared proclaimed person by this court nor any PO proceedings are pending against them. He further stated that accused are not involved in any other criminal case. This Court is satisfied that aforesaid statements made by complainant and accused are voluntarily and without any threat or any undue influence. Challan is yet too be presented in the present case.”

FIR, Annexure P-1, is a result of marital dispute between the parties, which has been settled and the marriage has been dissolved by virtue of judgment and decree, Annexure P-8.

Keeping in view of the judgments of the Supreme Court in

Narinder Singh Versus State of Punjab (2014) 6 SCC 466 and

Ramgopal and another Versus The State of Madhya Pradesh 2021 (4)

RCR (Criminal) 322, this Court is of the view that keeping the criminal proceedings alive will not serve any purpose and setting them aside will enable the parties to lead an independent and peaceful life.

Accordingly, petition is allowed. FIR No.17 dated 11.02.2020 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station Balongi, District SAS Nagar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

19.04.2022

sheetal

(SUVIR SEHGAL)

JUDGE

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