

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

287

CRM-M-53758-2021

Date of decision:20.09.2022

Naresh Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Shreya Rana, Advocate for
Mr. Vijay Rana, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Satyaveer Singh, Advocate and
Mr. Ashish Pundir, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.35 dated 08.06.2019 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, Jalandhar, District Jalandhar, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of settlement agreement dated 08.11.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that marriage of petitioner was solemnized with complainant/respondent No.2 on 28.03.2015 at Jalandhar and there is no issue out of the wedlock. He submits that due to temperamental differences, parties could not live together and FIR, Annexure P-1, has been registered as a result of a marital discord between them. He submits that the matrimonial dispute has been settled

by settlement agreement, Annexure P-2, and marriage has been dissolved by judgment and decree dated 23.05.2022, Annexure P-7, passed under Section 13-B of the Hindu Marriage Act, 1955. While referring to the judgment, Annexure P-7, counsel submits that the entire permanent alimony of Rs.4.50 lac has been paid.

Upon instructions from ASI Surinder Pal, State counsel submits that final report has been submitted under Section 173 of Cr.P.C., but charge has not been framed.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 22.12.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded with regard to the compromise and a report was called for on the following aspects:-

- “i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*
- iii. The stage of trial/proceedings;*
- iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.”*

Report has been received and its relevant extract is reproduced as under:-

“The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their

counsels.

As per record the name of the complainant of the present case is Ritu Bala and except her there is no other complainant in this FIR. The name of the accused person is Naresh Kumar. Except him, there is no other person nominated by the police as accused. Both parties appeared in the court and suffered statement regarding compromise. In this case, final police report is yet to be presented by the police.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

It is apparent that FIR, Annexure P-1, is a fallout of a matrimonial dispute, which has been amicably settled and marriage has been dissolved. In view of the above development, report of the trial court and judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.35 dated 08.06.2019 under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, Jalandhar, District Jalandhar, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

20.09.2022

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(SUVIR SEHGAL)
JUDGE

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