

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

269

CRM-M-53821-2021

Date of decision:06.04.2022

Karaj Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jagjeet Singh, Advocate for
Mr. Amit Arora, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Parminder Singh Kanwar, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 22.12.2021, this Court passed the following order:-

“Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.27 dated 07.04.2021 registered under Sections 406, 498-A, 323 of Indian Penal Code, 1860 at Police Station Women, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise as is reflected from an affidavit dated 02.12.2021 (Annexure P-2) jointly executed by the complainant-respondent No.2 and the petitioner.

Counsel for the petitioner contends that though there was a matrimonial dispute between the parties but it has now been settled and both husband-petitioner and wife-complainant/respondent No.2 are residing together.

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.Parminder Singh Kanwar, Advocate appears on behalf of the complainant-respondent No.2 and has filed his 'Power of Attorney', which is taken on record. He has admitted the execution of the affidavit (Annexure P-2) as well as statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the trial Court/Illaq Magistrate on 22.02.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The trial Court/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 06.04.2022.”*

Report has been received from the trial court pursuant to the above reproduced order, wherein it has been submitted that the petitioner is the sole accused; he has not been declared as a Proclaimed Person; *challan* has not been presented and the accused-petitioner is not involved in any other case. Insofar as the genuineness of the compromise is concerned, the trial court has reported as under:-

“From the statement of complainant Surinder Kaur and Karaj Singh so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their (sic there) being any sort of pressure or coercion from any corner.”

Counsel for the petitioner submits that the parties are staying together after the settlement, Annexure P-2, which fact has been affirmed by the counsel representing the complainant/respondent No.2.

Heard counsel for the parties.

FIR, Annexure P-1, has emanated from a marital discord, which has been settled and the parties have reconciled their differences. In view of the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466*; *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543* 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 keeping the FIR case alive will not serve the ends of justice and will be a futile exercise. Consequently, criminal proceedings deserve to be set aside.

Accordingly, petition is allowed. FIR No.27 dated 07.04.2021 registered under Sections 406, 498-A, 323 of Indian Penal Code, 1860 at Police Station Women, District Amritsar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

06.04.2022

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(SUVIR SEHGAL)
JUDGE

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