

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(274)

CRM-M-54071-2021

Date of Decision:- 18.05.2022

Gagandeep Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mandeep Singh Dhaliwal, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent No.1.

Mr. Jasdev Singh Brar, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 25.02.2022, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.26 dated 27.02.2021 under Sections 498-A/323/34 of IPC, 1860, registered at Police Station Sadar Dhuri, District Sangrur, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 03.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are the in-laws of the complainant/respondent No.2. He submits that the FIR, Annexure P-1, is a fall out of some misunderstanding between the couple, which has been resolved by virtue of compromise, Annexure P-2, and they are staying together under one roof.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of respondent No.1-State. As per instructions received by him from HC Ram Singh, the matter is under investigation. Mr. Jasdev Singh Brar, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 18.04.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/Trial Court shall submit a 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 Illaqa Magistrate/Trial Court be awaited for 18.05.2022.”

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

“1. As per statement of Investigating Officer of the present case, namely, ASI, Sher Singh No.2160/SGR presently posted at PS Sadar Dhuri, the present FIR No.26 dated 27.02.2021 under Section:498-A, 323, 34 of IPC, PS Sadar Dhuri lodged against three accused persons namely Gagandeep Singh aged about 32 years son of Bachan Singh son of Gurcharan Singh, Bishan Singh aged about 58 years son of Gurcharan Singh son of Hazara Singh and Harjinder Kaur aged about 55 years wife of Bishan Singh son of Gurcharan Singh all residence (sic resident) of village Dhadhogal, PS Sadar Dhuri. All of the accused persons appeared before the Court and their joint statement was recorded.

Further, Investigating Officer of the present case, namely, ASI, Sher Singh No.2160/SGR presently posted at PS Sadar Dhuri, stated that accused above named have not been declared proclaimed offender in the present FIR during investigation.

2. As per the statement of Investigating Officer of the present case, namely, ASI, Sher Singh No.2160/SGR, Mandeep Kaur daughter of Pritam Singh son of Karam Singh of village Badshahpur, Tehsil Dhuri, District Sangrur, wife of Gagandeep Singh son of Bishan Singh resident of village Dhadhogal, Tehsil Dhuri, District Sangrur is complainant of the present case and no other person is complainant/victim in this present FIR.

Complainant, Mandeep Kaur has come present in the Court and suffered her statement in support of the compromise.

3. *As per statement of Investigating Officer, challan has not been filed in the present case.*

4. *From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.*

5. *As per statement of Investigating Officer of the present case, namely, ASI, Sher Singh No.2160/SGR presently posted at PS Sadar Dhuri, except the present FIR No.26 dated 27.02.2021, Police Station Sadar Dhuri, no other criminal case is pending against the accused persons.”*

It is apparent that FIR, Annexure P-1, is an offshoot of a petty matrimonial issue, which has been settled, and the parties are residing together.

Keeping in view the 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 Gujrat and another (2017) 9 SCC 641***, this Court is of the view that continuation of the criminal proceedings will not serve any purpose, rather setting them aside will enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.26 dated 27.02.2021 under Sections 498-A/323/34 of IPC, 1860, registered at Police Station Sadar Dhuri, District Sangrur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

18.05.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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