

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(281)

CRM-M-43180-2019 (O&M)

Date of Decision:- 17.10.2022

Inderjit Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhanu Pratap Singh, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Sumit Kalyan, Advocate for
Mr. M.J.S.Bedi, Advocate for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-36933-2022

Application is allowed as prayed for.

Judgment and decree dated 08.07.2020 passed under Section 13-B of the Hindu Marriage Act, 1955 is taken on record as Annexure P-3.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.14 dated 29.01.2019, registered for offence under Section 498-A of the Indian Penal Code, 1860, at Police Station Bullowal, Hoshiarpur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits petitioner's marriage was solemnized with complainant-respondent No.2 on 30.12.2017 and there is no issue out of the wedlock. He submits that the marriage did not last beyond six months as serious differences arose between the parties, who could not adjust with each other. He submits that FIR, Annexure P-1, which is a result of a marital discord, has been settled by virtue of compromise, Annexure P-2, entire permanent alimony of Rs.3 lacs has been paid and marriage has been dissolved by judgment and decree, Annexure P-3.

Upon instructions received from ASI, Jiwan Lal, State counsel submits that the matter is under investigation.

Counsel representing 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 02.12.2019, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for regarding the genuineness of the compromise as also as to whether any of the parties has been declared as a proclaimed offender and the stage of the proceedings. Report has been received and its relevant extract is as under:-

“In compliance of the order dated 2.12.2019 passed by the Hon'ble High Court of Punjab & Haryana, Chandigarh in CRM-M No.43180 of 2019 titled as Inderjit Singh Vs. State of Punjab and another, it is humbly submitted that as per the directions of the Hon'ble High Court of Punjab & Haryana, on 6.12.2019, complainant of case FIR No.14 dated 29.1.2019 namely Baljit Kaur who was duly identified by Sukhwinder Kaur Sawhney, Advocate, was specifically asked whether a volitional compromise has ensued between her and accused namely

Inderjit Singh, who was present in the Court. After receiving her assent in the affirmative and ensuring the voluntary nature of her deposition, her statement was recorded wherein she deposed that she has compromised the matter with the accused Inderjit Singh out of her own Will and volition. She further stated that the compromise has been effected without any fear or inducement. She further stated that she has no objection if the proceedings of the FIR No.14 dated 29.1.2019 are quashed against the aforesaid accused. Statement of the accused Inderjit Singh was also recorded separately.

Statement of Investigating Officer ASI Davinder Singh, No.993/HPR was also recorded wherein he stated that the case FIR No.14 dated 29.1.2019, under Section 498-A IPC, Police Station Bullowal was registered against accused Inderjit Singh only. Neither any other person was arrayed as accused in the present case nor any person is proclaimed offender in the instant case. He stated that challan in the instant case has not been presented in the Court. ”

It is evident that FIR, Annexure P-1, is a result of a matrimonial dispute, which has been amicably settled and marriage has been dissolved. Parties have decided to bury the hatchet and give a quietus to the dispute.

In view of the above facts, report of the Trial Court and the judgments of Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466***, petition is allowed.

Accordingly, FIR No.14 dated 29.01.2019, registered for offence under Section 498-A of the Indian Penal Code, 1860, at Police Station Bullowal, Hoshiarpur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

17.10.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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