

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-45685 of 2019
Date of decision:26.07.2022

Sunny Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. J.S.Bhinder, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.15 dated 24.02.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station City-I, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise deed dated 18.10.2019 (Annexure P-2).

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 18.04.2014 at Mansa and no child was born out of the wedlock. He submits that relations between the parties became strained and they parted ways sometime in the year 2017. According to counsel, with the intervention of

respectables, matrimonial dispute has been settled by compromise (Annexure P-2), permanent alimony of Rs.1.00 lakh has been paid and the marriage has been dissolved by judgment and decree dated 23.10.2019 (Annexure P-3). He submits that in deference to the order passed by this Court, parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions from H.C.Mangat Rai, State counsel submits that the trial is underway and is at the stage of recording of statement of the prosecution witnesses.

Counsel representing 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 23.09.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements and a report was called for regarding the genuineness of the compromise as also as to whether PO proceedings are pending against any of the parties. Report has been received from the Trial Court and its relevant extract is as under:-

“The undersigned has carefully gone through the statements got recorded by the complainant and accused in the Court. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement,

threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations among them.

It is further humbly submitted that this Court was further directed to report whether any PO proceedings were pending against any of the party. It is humbly submitted that in this regard statement of ASI Shamsher Singh investigating officer of the case was recorded. ASI Shamsher Singh has suffered the statement that the case was registered on the statement of Amandeep Kaur. He has further stated that neither the complainant nor the accused had been declared proclaimed offenders/absconders in the present case and no such proceeding is pending.

From the statement suffered by ASI Shamsher Singh as well as the statements of the parties it is found that none of the parties has been declared proclaimed offender in the present case and no such proceeding is pending qua them.”

It is evident that the dispute is an offshoot of marital discord, which has been settled and the marriage has been dissolved.

In view of the above, report of the Trial Court and judgments of the Supreme Court in **B.S.Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675** and **Ramawatar Vs. State of Madhya Pradesh**

2021 SCC OnLine SC 966, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.15 dated 24.02.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station City-I, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioner.

July 26, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes