

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

264+129

CRM-M-48543-2019 (O & M)

Date of decision:23.08.2022

Kapil Mahajan and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rimple Saini, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Saleem Malik, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-29620-2022

Allowed as prayed for.

Judgment and decree dated 04.12.2020 passed under Section 13-B of the Hindu Marriage Act, 1955, dissolving the marriage by mutual consent and order dated 02.08.2022, are taken on record as Annexures P-6 and P-7, respectively.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.35 dated 25.03.2016 under Sections 498-A, 406 and 506 of IPC, 1860, registered at Police Station City Batala, Police District Batala, District Gurdaspur, Annexure P-1, as well as summoning order dated 24.04.2018, Annexure P-2, alongwith all subsequent proceedings arising therefrom, on the basis of compromise, Annexures P-3 and P-5, respectively, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is father-in-law and petitioners No.3 and 4 are

sister and brother-in-law of the complainant/respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant/respondent No.2 on 11.09.2010 and there is no issue out of the wedlock. He submits that due to temperamental differences, the parties have been living separately since February, 2015 and FIR, Annexure P-1, is a fallout of marital discord. By referring to compromise, Annexures P-3 and P-5, counsel submits that the matrimonial dispute has been settled, marriage has been dissolved by judgment and decree, Annexure P-6, and the entire permanent alimony of Rs.3.50 lac has been paid. Still further, he submits that the litigation pending *inter se* parties has been withdrawn.

Upon instructions from ASI Amar Nath, State counsel submits that the trial is pending at the stage of recording of evidence of prosecution witnesses.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise as well as the receipt of the entire permanent alimony.

Heard counsel for the parties.

Vide order dated 18.11.2019, this Court directed the parties to appear before the Area Magistrate/Trial Court for recording of their statements and a report was called for on the following points:-

*“(i) Number of persons arrayed as accused in FIR;
(ii) Whether any accused is proclaimed offender;
(iii) Status of the trial/proceedings and,
(iv) Whether the compromise is genuine, voluntary,
and without any coercion or undue influence.”*

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

“I. That as per the FIR, two accused namely Kapil Mahajan son of Om Parkash Mahajan and Om Parkash Mahajan son of Dwarka Dass,

were arrayed in the present FIR. Petitioners/accused No.3 and 4 were summoned under Section 319 Cr.P.C to face trial for the offences mentioned in the FIR.

II. That as per the statement of investigating officer, none of the accused persons have been declared as proclaimed offender.

III. That the present case is pending for awaiting further orders from Hon'ble High Court.

IV. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between complainant and accused is genuine and is not the result of any pressure or coercion.”

FIR, Annexure P-1, is an outcome of a matrimonial dispute, which is purely personal in nature and has been amicably settled. Keeping in view the fact that marriage between the parties also stands dissolved, report of the trial court as well as the judgment of the Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the opinion that keeping the criminal proceedings alive will not achieve any purpose and setting them aside will enable the parties to lead a peaceful life.

Ergo, petition is allowed. FIR No.35 dated 25.03.2016 under Sections 498-A, 406 and 506 of IPC, 1860, registered at Police Station City Batala, Police District Batala, District Gurdaspur, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

23.08.2022

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(SUVIR SEHGAL)
JUDGE

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