

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

234

CRM-M-48789-2019 (O & M)

Date of decision:09.09.2022

Muddser Nazar and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Liaqat Ali, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Harsh Raheja, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

CRM-25930-2022

Application is allowed as prayed for.

Annexures P-3 to P-5 are taken on record.

Main Case

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.33 dated 24.04.2018 under Sections 498-A, 406 and 506 of IPC, 1860, registered at Police Station City-1, Malerkotla, District Sangrur, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of *panchayati* compromise dated 11.10.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioner No.2 is the mother-in-law of the complainant/respondent No.2 and petitioner No.3 is a family friend of

petitioner No.1. He submits that FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been settled by *panchayati* compromise, Annexure P-2. Counsel submits that during the pendency of the petition, petitioner No.1 has re-married complainant/respondent No.2. A reference has been made by him to *Nikahnama*, Annexure P-3, photograph, Annexure P-4, and affidavit dated 19.07.2022, Annexure P-5, executed by the complainant/respondent No.2. He submits that the parties are living together with their children under one roof.

Upon instructions, State counsel submits that although the trial is underway, but no witness has been examined.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise, re-marriage and the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 20.11.2019, this Court directed the parties to appear before the Area Magistrate/Duty Magistrate/Trial Court for the purpose of recording their statements and a report was called for regarding the genuineness of the compromise and also as to whether any party has been declared as a Proclaimed Offender and whether *challan* has been presented. Report has been received and its relevant extract is reproduced as under:-

“In view of statement of complainant Sameena and accused Muddser Nazar, Hanifa and Sanjeev Kumar, it is apparent that the matter has been compromised between the parties. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement, threat or pressure. There are three accused three

accused namely Muddser Nazar, Hanifa and Sanjeev Kumar in the present case and none of them has been declared proclaimed offender in the present case. It is further submitted that challan has been present (sic presented) in the present case on 14.05.2019. Accordingly report is being submitted please.”

Although, FIR, Annexure P-1, was registered on account of a marital discord, which has been settled, now the parties have re-married each other and are living together. In view of this positive development, report of the trial court and judgments of the Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no reservation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.33 dated 24.04.2018 under Sections 498-A, 406 and 506 of IPC, 1860, registered at Police Station City-1, Malerkotla, District Sangrur, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

09.09.2022

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(SUVIR SEHGAL)
JUDGE

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