

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(121+247)

CRM-M-54200-2019 (O&M)
Date of Decision:- 07.07.2022

Gurjant Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Goyal, Advocate for the petitioners.

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

Mr. Jagtej Singh Kang, Advocate for
Mr. Yashjot Dhaliwal, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-22986-2022

For the reasons given in the application, it is allowed.

Petitioner is granted the necessary permission.

CRM-22987-2022

Application is allowed as prayed for.

Copy of judgment dated 03.05.2019 passed under Section 13 of the Hindu Marriage Act, 1955 as well as interim order dated 17.05.2022 passed by the Trial Court are taken on record as Annexures P-3 and P-4, respectively.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Code") seeking quashing of FIR

No.310 dated 06.12.2015, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Sohana, District SAS Nagar, Mohali, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 29.11.2019, Annexure P-2, arrived at between the parties.

At the outset, State counsel submits that during the pendency of the Trial, petitioner No.2-Ajaib Kaur, who is the mother-in-law of complainant-respondent No.2, has expired.

Faced with this development, counsel for the petitioners seeks and is granted permission to withdraw the petition **qua petitioner No.2**.

Counsel for the petitioner submits that petitioner No.1 is the husband. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 05.05.2005 and a son was born out of the wedlock in January, 2006. Counsel submits that due to temperamental differences, a matrimonial dispute arose between the parties, who parted ways and FIR, Annexure P-1, was registered. The dispute has been settled by compromise, Annexure P-2, and marriage has been dissolved vide ex-parte judgment of divorce, Annexure P-3. Still further, he submits that the custody of the minor child is with the petitioner. Counsel submits that in compliance of 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 received from ASI, Satpal Choudhary, State counsel submits that the trial against both the accused-petitioners is pending and all the prosecution witnesses have been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise as well as divorce between the parties. He does not dispute the statement made by counsel for the petitioner regarding the custody of the child.

Heard counsel for the parties.

Vide order dated 18.12.2019, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the following points, besides authenticity and genuineness of the compromise:-

- “1. Whether there is any other accused other than the petitioners, arrayed in this petition?*
- 2. Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?”*

Report has been received from the Trial Court and its relevant extract is as under:-

“1. There is no other accused (sic other) than the petitioners Gurjant Singh and Ajaib Kaur. It is submitted that the complainant Harpreet Kaur had moved the application to the police against three persons i.e. Gurjant Singh-husband, Jaspal Singh-father-in-law and Ajaib Kaur-mother-in-law. After inquiry, FIR was lodged against two persons i.e. Gurjant Singh and Ajaib Kaur. The complainant Harpreet Kaur has not made any statement raising grievance against Jaspal Singh-father-in-law.

2. There is no other complainant or affected/aggrieved party (sic other) than respondent No.2-Harpreet Kaur-complainant.

In view of the statement of respondent No.2-Harpreet Kaur-complainant, the compromise affected is authentic and genuine.”

It is evident from the above that FIR has emanated from a matrimonial dispute between the parties, which has been amicably settled and marriage has been dissolved.

Keeping in view the above development, report of the Trial Court as well as the judgments of the Supreme Court in *Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235* and *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, this Court is of the opinion that pendency of criminal proceedings will not serve any purpose and Section 482 of the Code can justifiably be invoked to secure the ends of justice.

Petition is allowed. FIR No.310 dated 06.12.2015, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Sohana, District SAS Nagar, Mohali, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed **qua petitioner No.1.**

07.07.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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