

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

226

CRM-M-449-2020

Date of Decision: 25.05.2023

Jaswinder Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Ravi Malhotra, Advocate
for the petitioners.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

None for respondent No.2.

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.129 dated 02.10.2015 under Sections 406 and 498-A IPC, registered at Police Station Balachaur, District SBS Nagar and all subsequent proceedings arising therefrom.

No one appears on behalf of respondent No.2 despite service.

Learned counsel for the petitioners submits that a compromise was arrived at between the parties and on the basis of said compromise, both the parties submitted an application under Section 13-B of the Hindu Marriage Act and divorce had already been granted, vide decree dated 01.10.2019. The amount of Rs.4 lakhs as permanent alimony has also been paid to the respondent-wife. She had also promised to move an appropriate application in the present case for compromise but it appears that later on, she has not appeared in the Court and even today after notices having been

issued, she has not put in appearance.

Learned counsel for the petitioners further submits that the proceedings initiated against the petitioners under Sections 406 and 498-A IPC are not prima facie made out and in fact the respondent-wife had never intended to stay in the matrimonial home. She has left the home with her children and she has also re-married. Hence, he prays that the proceedings against the petitioners be quashed.

Learned State counsel submits that the learned Court is continuing with the trial and the statement of the prosecutrix has also been examined.

Keeping in view the fact that six witnesses have been examined and the trial is going on, this Court does not deem it appropriate to quash the proceedings, at this stage, however, learned trial Court is directed to conclude the trial expeditiously and preferably within a period of three months from today.

With the above observations, the present petition is disposed of.

25.05.2023

D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No