

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

**CRM-M No. 5761 of 2023
Date of Decision: 01.09.2023**

Davinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Prashant Bansal, Advocate
 for the applicant-petitioner.

 Mr. Virat Rana, AAG, Punjab
 for respondent No.1-State.

 Mr. Munish Khanngwal, Advocate appearing for
 Mr. Baljinder Singh, Advocate
 for respondent No.2.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has prayed for the quashing of FIR No.4 dated 04.06.2022 as registered at Police Station Women, District SAS Nagar, under Sections 406 and 498-A IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, culminating in the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.2-complainant-wife in the subject FIR, are that the petitioner had subjected her to cruelty for bringing insufficient dowry

and also for demanding more dowry and due to the non-fulfilment of his above-said demand as well.

3. Vide the order dated 03.02.2023 as passed by the Co-ordinate Bench, the parties had been directed to appear before the Illaqa/Duty Magistrate on 24.03.2023 for recording their statements in respect of the afore-referred compromise and in compliance of this order, learned Judicial Magistrate Ist Class SAS Nagar Mohali, recorded their (parties') statements and has submitted her report (which is already available on the file), while mentioning therein that the compromise affected between the complainant-respondent No.2 and the accused-petitioner, appears to be genuine and it has been arrived at between them voluntarily and without any coercion or undue influence and there is only one accused, i.e the petitioner and one complainant, i.e respondent No.2, in the criminal case under reference and the petitioner has not been declared proclaimed offender and he is also not involved in any other criminal case. The copies of the statements of the petitioner, respondent No.2-complainant and the Investigating Officer HC Nirdosh Singh, have been annexed with the said report.

4. I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel appearing for respondent No.2, in the present petition and have also perused the file carefully.

5. The above-mentioned compromise has been affected to put the dispute between the parties at rest for all times to come and as is explicit from Annexure P-4, i.e the copies of the judgment and decree passed by the Family Court, SAS Nagar, Mohali on 05.05.2023, the parties have already

parted their ways, by way of dissolution of their marriage on the basis of mutual consent, as envisaged under Section 13-B of the Hindu Marriage Act, 1955. It being so, there are bleak chances of the conviction of the petitioner and in these circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

6. Keeping in view the afore-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012) 4 RCR (Criminal) 543,** the FIR bearing No.4 dated 04.06.2022 registered at Police Station Women, District SAS Nagar, under Sections 406 and 498-A IPC as well as all the subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

September 01, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>