

CRM-M-6761-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(285)

CRM-M-6761-2020
Date of Decision:- 24.07.2023

Manas Sethi and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kanwalvir Singh Kang, Advocate
for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab
for State-respondent No.1.

SUVIR SEHGAL, J. (Oral)

1. Mr. Anmol Puri, Advocate has put in appearance on behalf of respondent No.2 and has filed Vakalatnama, which is taken on record.
2. Petitioners, who are the husband and parents-in-law of complainant-respondent No.2, are present in person in deference to order dated 29.03.2023 passed by this Court and have been duly identified by their counsel.
3. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.40 dated 06.06.2015, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Police, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of

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settlement/agreement dated 20.01.2020 before the Mediation Centre, District Court, Patiala, Annexure P-2, arrived at between the parties.

4. Counsel for the petitioners submits that FIR, Annexure P-1, is a fallout of a marital discord between petitioner No.1 and complainant-respondent No.2, which has been amicably settled by settlement/agreement, Annexure P-2. He submits that the parties have appeared before the Trial Court and recorded their statements in support of the compromise. A categorical statement has been made by him that the litigation *inter-se* the parties has been withdrawn and all the terms of the settlement/agreement have been complied with, the amount of permanent alimony has been paid and marriage has been dissolved by judgment and decree dated 06.08.2020 passed under Section 13-B of the Hindu Marriage Act, 1955. He has placed on record a *Xerox* copy of the judgment.

5. Counsel representing complainant-respondent No.2 has admitted the statement made by counsel for the petitioners and does not have any objection in case the prayer made in the petition is acceded to.

6. Heard counsel for the parties.

7. Pursuant to order dated 20.01.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“i. That complainant Navita is the only aggrieved person and she has consented for the compromise;

ii. That the compromise effected between the parties is not

result of any fraud or misrepresentation and has been effected without any pressure, threat or coercion upon the victim/complainant;

- iii. That all the accused and complainant/victim are party to compromise.
- iv. That none of above named accused was declared as proclaimed offender and they are not involved in any other criminal case.”

8. In view of the report given by the Trial Court and the judgments of the Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641, Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** and **B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal)**, this Court is of the view that keeping the criminal proceedings alive would aggravate the agony of the parties, rather setting them aside would enable them to lead a harmonious and peaceful life.

9. Accordingly, the petition is allowed. FIR No.40 dated 06.06.2015, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Police, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

24.07.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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